

JOURNAL
OF
THE SENATE
OF THE
COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MONDAY THE SECOND
DAY OF DECEMBER, IN THE YEAR OF OUR LORD, 1839, AND
OF THE COMMONWEALTH THE FORTY EIGHTH.

FRANKFORT, KY.
A. G. HODGES, STATE PRINTER.
1839.

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THE STATE OF

NEW YORK

IN SENATE,
January 1, 1890.

1890

JOURNAL OF THE SENATE.

At a General Assembly, begun and held for the State of Kentucky, at the capitol, in the town of Frankfort, on Monday the second day of December, one thousand eight hundred and thirty nine, it being the day appointed by law for the meeting of the General Assembly, the following members of the Senate appeared and took their seats, to wit:

From the first Senatorial district, Thomas James; from the second, James C. Weller; from the third, Samuel B. Jesup; from the fourth, James V. Walker; from the sixth, Richard S. Ford; from the seventh, James Murrell; from the eighth, Alfred Anderson; from the ninth, John S. Barlow; from the tenth, William Bradshaw; from the eleventh, Achilles Jasper; from the twelfth, William Sterett; from the thirteenth, James G. Pitts; from the fourteenth, George Roberts; from the fifteenth, James Guthrie; from the sixteenth, James N. Hughes; from the seventeenth, George W. Johnston; from the eighteenth, G. Clayton Slaughter; from the nineteenth, James Schooling; from the twentieth, John A. Tomlinson; from the twenty second, Michael Davidson; from the twenty third, Charles J. Walker; from the twenty fourth, Franklin Ballinger; from the twenty fifth, John Wallace; from the twenty sixth, William De Courcy; from the twenty seventh, John S. Morgan; from the twenty eighth, Cyrus Wingate; from the twenty ninth, John Pratt; from the thirtieth, Mark E. Huston; from the thirty first, Robert Wickliffe; from the thirty second, William Clarke; from the thirty fourth, James M. Rice; from the thirty fifth, Daniel Morgan; from the thirty sixth, Thomas Y. Payne; from the thirty seventh, Mason Williams; from the thirty eight, Samuel Hanson.

The said Alfred Anderson, James Guthrie, Samuel Hanson, James N. Hughes, Samuel B. Jesup, Daniel Morgan, Thomas Y. Payne, G. Clayton Slaughter, William Sterett, and Mason Williams, severally produced certificates of their election, and took the several oaths required by the constitution of the United States, and the constitution and laws of this State. The Lieutenant Governor having become acting Governor by the death of his Excellency, James Clark, the Senate proceeded to vote for a Speaker for the occasion.

Mr. Guthrie nominated Mr. Cyrus Wingate as a proper person to fill that office.

Mr. Huston nominated Mr. George W. Johnston, and Mr. Ballinger nominated Mr. Samuel Hanson.

Eleven several votes were taken, and no one received a majority of all the votes given.

The first vote stood thus:

Those who voted for Mr. Wingate were—

Messrs. Anderson,	Hughes,	Rice,
Barlow,	James,	Schooling,
De Courcy,	Jasper,	Tomlinson,
Ford,	Pitts,	Wallace,
Guthrie,	Pratt,	Williams—15.

Those who voted for Mr. Johnston were—

Messrs. Huston,	Sterett,	Weller—5.
Murrell,	Walker, J. V.	

Those who voted for Mr. Hanson were—

Messrs. Ballinger,	Jesup,	Roberts,
Bradshaw,	Morgan, D.	Slaughter,
Clarke,	Morgan, J. S.	Walker, C. J.
Davidson,	Payne,	Wickliffe—12.

The second vote stood thus:

Those who voted for Mr. Wingate were—

Messrs. Anderson,	Hughes,	Schooling,
Barlow,	James,	Tomlinson,
De Courcy,	Jasper,	Wallace,
Ford,	Pratt,	Williams—14.
Guthrie,	Rice,	

Those who voted for Mr. Johnston were—

Messrs. Huston,	Pitts,	Walker, J. V.
Murrell,	Sterett,	Weller—6.

Those who voted for Mr. Hanson were—

Messrs. Ballinger,	Jesup,	Roberts,
Bradshaw,	Morgan, D.	Slaughter,
Clarke,	Morgan, J. S.	Walker, C. J.
Davidson,	Payne,	Wickliffe—12.

The third vote stood thus:

Those who voted for Mr. Wingate were—

Messrs. Anderson,	James,	Schooling,
Barlow,	Jasper,	Tomlinson,
De Courcy,	Pratt,	Wallace,
Guthrie,	Rice,	Williams—13.
Hughes,		

Those who voted for Mr. Johnston were—

Messrs. Ford,	Pitts,	Walker, J. V.
Huston,	Sterett,	Weller—7.
Murrell,		

Those who voted for Mr. Hanson were—

Messrs. Ballinger,	Jesup,	Roberts,
Bradshaw,	Morgan, D.	Slaughter,
Clarke,	Morgan, J. S.	Walker, C. J.
Davidson,	Payne,	Wickliffe—12.

The fourth vote stood thus:

Those who voted for Mr. Wingate were—

Messrs. Anderson,	James,	Schooling,
Barlow,	Jasper,	Tomlinson,
De Courcy,	Pratt,	Wallace,
Guthrie,	Rice,	Williams—13.
Hughes,		

Those who voted for Mr. Johnston were—

Messrs. Ford,	Pitts,	Walker, J. V.
Huston,	Sterett,	Weller—7.
Murrell,		

Those who voted for Mr. Hanson were—

Messrs. Ballinger,	Jesup,	Roberts,
Bradshaw,	Morgan, D.	Slaughter,
Clarke,	Morgan, J. S.	Walker, C. J.
Davidson,	Payne,	Wickliffe—12.

The fifth vote stood thus:

Those who voted for Mr. Wingate were—

Messrs. Anderson,	James,	Schooling,
Barlow,	Jasper,	Tomlinson,
De Courcy,	Pratt,	Wallace,
Guthrie,	Rice,	Williams—12.

Those who voted for Mr. Johnston were—

Messrs. Ford,	Murrell,	Walker, J. V.
Hughes,	Pitts,	Weller—8.
Huston,	Sterett,	

Those who voted for Mr. Hanson were—

Messrs. Ballinger,	Jesup,	Roberts,
Bradshaw,	Morgan, D.	Slaughter,
Clarke,	Morgan, J. S.	Walker, C. J.
Davidson,	Payne,	Wickliffe—12.

The sixth vote stood thus:

Those who voted for Mr. Wingate were—

Messrs. Anderson,	Hughes,	Schooling,
Barlow,	Jasper,	Tomlinson,
De Courcy,	Pratt,	Wallace,
Guthrie,	Rice,	Williams—12.

Those who voted for Mr. Johnston were—

Messrs. Ford,	Murrell,	Walker, J. V.
Huston,	Pitts,	Weller—8.
James,	Sterett,	

Those who voted for Mr. Hanson were—

Messrs. Ballinger,	Jesup,	Roberts,
Bradshaw,	Morgan, D.	Slaughter,
Clarke,	Morgan, J. S.	Walker, C. J.
Davidson,	Payne,	Wickliffe—12.

The seventh vote stood thus:

Those who voted for Mr. Wingate, were—

Messrs. Anderson,	Hughes,	Schooling,
Barlow,	Jasper,	Tomlinson,
Dixon,	Pratt,	Wallace,
Guthrie,	Rice,	Williams—12.

Those who voted for Mr. Johnston were—

Messrs. Ford,	Murrell,	Walker, J. V.
Huston,	Pitts,	Weller—8.
James,	Sterett,	

Those who voted for Mr. Hanson were—

Messrs. Ballinger,	Jesup,	Roberts,
Bradshaw,	Morgan D.	Slaughter,

Clarke,
Davidson,

Morgan, J. S.
Payne,

Walker, C. J.
Wickliffe—12.

The eighth vote stood thus :

Those who voted for Mr. Wingate were—

Messrs. Anderson,
Barlow,
De Courcy,
Guthrie,
Hughes,

James,
Jasper,
Pratt,
Rice,

Schooling,
Tomlinson,
Wallace,
Williams—13.

Those who voted for Mr. Johnston were—

Messrs. Ford,
Huston,
Murrell,

Pitts,
Sterett,

Walker, J. V.
Weller—7.

Those who voted for Mr. Hanson were—

Messrs. Ballinger,
Bradshaw,
Clarke,
Davidson,

Jesup,
Morgan D.
Morgan, J. S.
Payne,

Roberts,
Slaughter,
Walker, C. J.
Wickliffe—12.

The ninth vote stood thus :

Those who voted for Mr. Wingate were :

Messrs. Anderson,
Barlow,
De Courcy,
Guthrie,
Hughes,

James,
Jasper,
Pratt,
Rice,

Schooling,
Tomlinson,
Wallace,
Williams—13.

Those who voted for Mr. Johnston were—

Messrs. Ford,
Huston,
Murrell,

Pitts,
Sterrett,

Walker, J. V.
Weller—7.

Those who voted for Mr. Hanson were—

Messrs. Ballinger,
Bradshaw,
Clarke,
Davidson,

Jesup,
Morgan, D.
Morgan, J. S.
Payne,

Roberts,
Slaughter,
Walker, C. J.
Wickliffe—12.

The tenth vote stood thus :

Those who voted for Wingate were :

Messrs. Anderson,
Barlow,
De Courcy,
Guthrie,
Hughes,

James,
Jasper,
Pratt,
Rice,

Schooling,
Tomlinson,
Wallace,
Williams—13.

Those who voted for Mr. Johnston were:

Messrs. Ford,	Pitts,	Walker, J. V.
Huston,	Sterett,	Weller—7.
Murrell,		

Those who voted for Mr. Hanson were—

Messrs. Ballinger,	Jesup,	Roberts,
Bradshaw,	Morgan, D.	Slaughter,
Clarke,	Morgan, J. S.	Walker, C. J.
Davidson,	Payne,	Wickliffe—12.

The eleventh vote stood thus:

Those who voted for Mr. Wingate were:

Messrs. Anderson,	James,	Schooling,
Barlow,	Jasper,	Tomlinson,
De Courcy,	Pratt,	Wallace,
Guthrie,	Rice,	Williams—13.
Hughes,		

Those who voted for Mr. Johnston were—

Messrs. Ford,	Pitts,	Walker J. V.
Huston,	Sterett,	Weller—7.
Murrell,		

Those who voted for Mr. Hanson were—

Ballinger,	Jesup,	Roberts,
Bradshaw,	Morgan, D.	Slaughter,
Clarke,	Morgan, J. S.	Walker, C. J.
Davidson,	Payne,	Wickliffe—12.

And then the Senate adjourned.

TUESDAY, DECEMBER 3, 1839.

Mr. Guthrie withdrew the nomination of Mr. Cyrus Wingate for the office of Speaker of the Senate, and Mr. Huston withdrew the nomination of Mr. George W. Johnston.

Whereupon Mr. Samuel Hanson was elected Speaker of the Senate for the occasion.

James Stonestreet was elected Clerk of the Senate during the present session. Whereupon he took the several oaths required by the constitution of the United States, and the constitution and laws of this State.

Dec. 3.]

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Mr. Ballinger nominated John Mayhall for the office of Sergeant-at-Arms of the State during the present session.

Mr. Jesup nominated James Robertson, and Mr. Guthrie nominated Ambrose Wickersham. Four several votes were taken, and no one received a majority of all the votes given. The first vote stood thus:

Those who voted for Mr. Mayhall were—

Messrs. Ballinger,	Morgan, J. S.	Wallace,
Bradshaw,	Murrell,	Walker, J. V.
Clarke,	Payne,	Weller,
De Courcy,	Slaughter,	Wickliffe—14.
Huston,	Sterett,	

Those who voted for Mr. Robertson were—

Mr. Speaker,	Jesup,	Schooling,
Davidson,	Johnston,	Tomlinson,
James,	Morgan, D.	Walker, C. J.—11.
Jasper,	Roberts,	

Those who voted for Mr. Wickersham were,

Messrs. Anderson,	Hughes,	Rice,
Barlow,	Pitts,	Williams,
Ford,	Pratt,	Wingate—10.
Guthrie,		

The second vote stood thus:

Those who voted for Mr. Mayhall were—

Messrs. Ballinger,	Morgan, J. S.	Wallace,
Bradshaw,	Murrell,	Walker, J. V.
Clarke,	Payne,	Weller,
De Courcy,	Pitts,	Wickliffe,
Ford,	Slaughter,	Wingate—17.
Huston,	Sterett,	

Those who voted for Mr. Robertson were—

Mr. Speaker,	Jesup,	Schooling,
Davidson,	Johnston,	Tomlinson,
James,	Morgan, D.	Walker, C. J.—11.
Jasper,	Roberts,	

Those who voted for Mr. Wickersham were—

Messrs. Anderson,	Hughes,	Rice,
Barlow,	Pratt,	Williams—7.
Guthrie,		

The third vote stood thus:

Those who voted for Mr. Mayhall were—

Messrs. Ballinger,	Morgan, J. S.	Sterett,
Bradshaw,	Murrell,	Wallace,
Clarke,	Payne,	Walker, J. V.
De Courcy,	Pitts,	Weller,
Ford,	Roberts,	Wickliffe—17.
Huston,	Slaughter,	

Those who voted for Mr. Robertson were—

Mr. Speaker,	Jasper,	Schooling,
Barlow,	Jesup,	Tomlinson,
Davidson,	Johnston,	Walker, C. J.
James,	Morgan, D.	Wingate—12.

Those who voted for Mr. Wickersham were—

Messrs. Anderson,	Hughes,	Rice,
Guthrie,	Pratt,	Williams—6.

The fourth vote stood thus:

Those who voted for Mr. Mayhall were—

Messrs. Ballinger,	Huston,	Sterett,
Bradshaw,	Morgan, J. S.	Wallace,
Clarke,	Murrell,	Walker, J. V.
De Courcy,	Payne,	Weller,
Ford,	Pitts,	Wickliffe—17.
Hughes,	Slaughter,	

Those who voted for Mr. Robertson were—

Mr. Speaker,	Jasper,	Roberts,
Barlow,	Jesup,	Schooling,
Davidson,	Johnston,	Tomlinson,
James,	Morgan, D.	Walker, C. J.—12.

Those who voted for Mr. Wickersham were—

Messrs. Anderson,	Pratt,	Williams,
Guthrie,	Rice,	Wingate—6.

The fifth vote was then taken and stood thus:

Those who voted for Mr. Mayhall were—

Mr. Speaker,	De Courcy,	Murrell,
Ballinger,	Ford,	Payne,
Bradshaw,	Huston,	Pitts,
Clarke,	Morgan, J. S.	Slaughter,

Sterett,
Wallace,

Walker, J. V.
Weller,

Wickliffe,
Wingate—18.

Those who voted for Mr. Robertson were—

Messrs. Barlow,
Davidson,
James,
Jesup,

Johnston,
Morgan, D.
Roberts,

Schooling,
Tomlinson,
Walker, C. J.—10.

Those who voted for Mr. Wickersham were—

Messrs. Anderson,
Guthrie,
Hughes,

Jasper,
Pratt,

Rice,
Williams—7.

John Mayhall having received a majority of all the votes given, was declared duly elected Sergeant-at-Arms of the Senate during the present session. Whereupon he took the several oaths required by the constitution of the United States, and constitution and laws of this State.

Mr. Wingate nominatèd Morgan B. Chinn, as a proper person to fill the office of Door Keeper of the Senate during the present session.

Mr. Ford nominatèd Thomas W. De Courcy.

Mr. Murrell nominatèd Henry Banks, and Mr. Clarke nominatèd Jacob H. Holeman.

Six several votes were taken, and no one received a majority of all the votes given. The first vote stood thus:

Those who voted for Mr. Chinn were—

Messrs. Hughes,
Pitts,

Pratt,
Rice,

Weller,
Wingate—6.

Those who voted for Mr. De Courcy were—

Messrs. De Courcy,
Ford,
Guthrie,

Jasper,
Schooling,
Wallace,

Wickliffe,
Williams—8.

Those who voted for Mr. Banks were—

Messrs. Anderson,
Ballinger,
Barlow,
Bradshaw,

Huston,
Johnston,
Murrell,

Payne,
Walker, C. J.
Walker, J. V.—10.

Those who voted for Mr. Holeman were—

Mr. Speaker,
Clarke,
Davidson,
James,

Jesup,
Morgan, D.
Morgan, J. S.
Roberts,

Slaughter,
Sterett,
Tomlinson—11.

The second vote stood thus:

Those who voted for Mr. Chinn were—

Messrs. Hughes,	Weller,	Wingate—3.
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Those who voted for Mr. De Courcy were—

Messrs. De Courcy,	Pratt,	Wallace,
Ford,	Rice,	Wickliffe,
Guthrie,	Schooling,	Williams—10.
Jasper,		

Those who voted for Mr. Banks were—

Messrs. Anderson,	Huston,	Pitts,
Ballinger,	Johnston,	Walker, C. J.
Barlow,	Murrell,	Walker, J. V.—11.
Bradshaw,	Payne,	

Those who voted for Mr. Holeman were—

Mr. Speaker,	Jesup,	Slaughter,
Clarke,	Morgan, D.	Sterett,
Davidson,	Morgan, J. S.	Tomlinson—11.
James,	Roberts,	

The third vote stood thus:

Those who voted for Mr. Chinn were—

Messrs. Pitts,	Rice,	Wingate—5.
Pratt,	Weller,	

Those who voted for Mr. De Courcy were—

Messrs. De Courcy,	Hughes,	Wallace,
Ford,	Jasper,	Wickliffe,
Guthrie,	Schooling,	Williams—9.

Those who voted for Mr. Banks were—

Messrs. Anderson,	Huston,	Payne,
Ballinger,	Johnston,	Walker, C. J.
Barlow,	Murrell,	Walker, J. V.—10.
Bradshaw,		

Those who voted for Mr. Holeman were—

Mr. Speaker,	Jesup,	Slaughter,
Clarke,	Morgan, D.	Sterett,
Davidson,	Morgan, J. S.	Tomlinson—11.
James,	Roberts,	

The fourth vote stood thus:

Those who voted for Mr. Chinn were—

Messrs. Pitts,	Weller,	Wingate—4.
Rice,		

Those who voted for Mr. De Courcy were—

Messrs. De Courcy,	Jasper,	Wallace,
Ford,	Pratt,	Wickliffe,
Guthrie,	Schooling,	Williams—10.
Hughes,		

Those who voted for Mr. Banks were—

Messrs. Anderson,	Bradshaw,	Murrell,
Ballinger,	Huston,	Walker, C. J.
Barlow,	Johnston,	Walker, J. V.—9.

Those who voted for Mr. Holeman were—

Mr. Speaker,	Jesup,	Roberts,
Clarke,	Morgan, D.	Slaughter,
Davidson,	Morgan, J. S.	Sterett,
James,	Payne,	Tomlinson—12.

The fifth vote stood thus:

Those who voted for Mr. Chinn were—

Messrs. Pitts,	Weller,	Wingate—4.
Rice,		

Those who voted for Mr. De Courcy were—

Messrs. De Courcy,	Jasper,	Wallace,
Ford,	Pratt,	Wickliffe,
Guthrie,	Schooling,	Williams—10.
Hughes,		

Those who voted for Mr. Banks were—

Messrs. Anderson,	Bradshaw,	Murrell,
Ballinger,	Huston,	Walker, C. J.
Barlow,	Johnston,	Walker, J. V.—9.

Those who voted for Mr. Holeman were—

Mr. Speaker,	Jesup,	Roberts,
Clarke,	Morgan D.	Slaughter,
Davidson,	Morgan, J. S.	Sterett,
James,	Payne,	Tomlinson—12.

The sixth vote stood thus :

Those who voted for Mr. Chinn were—

Messrs. Weller,	Wingate—2.
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Those who voted for Mr. De Courcy were—

Messrs. De Courcy,	Jasper,	Wallace,
Ford,	Pratt,	Wickliffe,
Guthrie,	Rice,	Williams—11.
Hughes,	Schooling,	

Those who voted for Mr. Banks were—

Messrs. Anderson,	Huston,	Pitts,
Ballinger,	Johnston,	Walker, C. J.
Barlow,	Murrell,	Walker, J. V.—10.
Bradshaw,		

Those who voted for Mr. Holeman were—

Mr. Speaker,	Jesup,	Roberts,
Clarke,	Morgan, D.	Slaughter,
Davidson,	Morgan, J. S.	Sterett,
James,	Payne,	Tomlinson—12.

Mr. Ballinger moved the following resolution, viz :

Resolved, That in further ballottings for the office of Door Keeper, the Senate will drop the hindmost, until a choice is made.

The question being taken on the adoption of the said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ballinger and Huston, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,	James,	Schooling,
Ballinger,	Jesup,	Slaughter,
Bradshaw,	Johnston,	Sterett,
Clarke,	Morgan, D.	Walker, C. J.
Davidson,	Morgan, J. S.	Walker J. V.
Hughes,	Payne,	Wickliffe,
Huston,	Pitts,	Williams—21.

Those who voted in the negative were—

Messrs. Anderson,	Murrell,	Tomlinson,
Barlow,	Pratt,	Wallace,
Ford,	Rice,	Weller,
Guthrie,	Roberts,	Wingate—13.
Jasper,		

The seventh vote for Door Keeper stood thus:

Those who voted for Mr. Chinn were—

Messrs. Pitts,	Weller,	Wingate—4.
Pratt,		

Those who voted for Mr. De Courcy were—

Messrs. Anderson,	Hughes,	Wallace,
De Courcy,	Jasper,	Wickliffe,
Ford,	Rice,	Williams—11.
Guthrie,	Schooling,	

Those who voted for Mr. Banks were—

Messrs. Ballinger,	Huston,	Walker, C. J.
Barlow,	Johnston,	Walker, J. V.—8.
Bradshaw,	Murrell,	

Those who voted for Mr. Holeman were—

Mr. Speaker,	Jesup,	Roberts,
Clarke,	Morgan, D.	Slaughter,
Davidson,	Morgan, J. S.	Sterett,
James,	Payne,	Tomlinson—12.

The eighth vote stood thus:

Those who voted for Mr. De Courcy were—

Messrs. Anderson,	Jasper,	Wickliffe,
De Courcy,	Rice,	Williams,
Ford,	Schooling,	Wingate—11.
Hughes,	Wallace,	

Those who voted for Mr. Banks were—

Messrs. Ballinger,	Huston,	Pratt,
Barlow,	Johnston,	Walker, C. J.
Bradshaw,	Murrell,	Walker, J. V.—11.
Guthrie,	Pitts,	

Those who voted for Mr. Holeman were—

Mr. Speaker,	Morgan D.	Slaughter,
Clarke,	Morgan, J. S.	Sterett,
Davidson,	Payne,	Tomlinson,
James,	Roberts,	Weller—13.
Jesup,		

The ninth vote stood thus:

Those who voted for Mr. De Courcy were—

Messrs Anderson,	Jasper,	Wickliffe,
De Courcy,	Rice,	Williams,
Ford,	Wallace,	Wingate—10.
Hughes,		

Those who voted for Mr. Banks were—

Messrs. Ballinger,	Johnston,	Pratt,
Barlow,	Murrell,	Schooling,
Bradshaw,	Payne,	Walker, C. J.
Guthrie,	Pitts,	Walker, J. V.—13.
Huston,		

Those who voted for Mr. Holeman were—

Mr. Speaker,	Jesup,	Slaughter,
Clarke,	Morgan, D.	Sterett,
Davidson,	Morgan, J. S.	Tomlinson,
James,	Roberts,	Weller—12.

The tenth vote stood thus:

Those who voted for Mr. Banks were—

Messrs. Anderson,	Huston,	Pratt,
Ballinger,	Jasper,	Rice,
Barlow,	Johnston,	Schooling,
Bradshaw,	Murrell,	Walker, C. J.
Ford,	Payne,	Walker, J. V.
Guthrie,	Pitts,	Williams—19.
Hughes,		

Those who voted for Mr. Holeman were—

Mr. Speaker,	Morgan, D.	Tomlinson,
Clarke,	Morgan, J. S.	Wallace,
Davidson,	Roberts,	Weller,
De Courcy,	Slaughter,	Wickliffe,
James,	Sterett,	Wingate—16.
Jesup,		

Henry Banks having received a majority of all the votes given, was declared duly elected Door Keeper of the Senate during the present session. Whereupon he took the several oaths required by the constitution of the United States, and the constitution and laws of this State.

On the motion of Mr. Huston,

Resolved, That the Clerk of the Senate be authorized to appoint an assistant Clerk during the present session, and that he be responsible for the discharge of the duties of the same, and that he shall have power to remove such assistant Clerk at pleasure.

The Clerk, with the concurrence of the Senate, appointed Theodore Kolhass assistant Clerk. Whereupon he took the several oaths required by the constitution of the United States, and the constitution and laws of this State.

Ordered, That Mr. Wingate inform the House of Representatives, that the Senate have met, elected their officers, and are now ready to proceed to legislative business.

Messrs. Wingate, Johnston and Guthrie were appointed a committee on the part of the Senate, to wait on the Lieutenant and acting Governor, and inform him that the General Assembly have convened, and are now ready to receive any communication he may think proper to make; and Mr. Wingate was directed to inform the House of Representatives thereof.

A message was received from the House of Representatives, announcing that they had met, formed a quorum, elected their officers, and are now ready to proceed to legislative business; and that they had appointed a committee, on their part, to wait on the Lieutenant and acting Governor, and inform him that the General Assembly have convened, and are now ready to receive any communication he may think proper to make.

The committee, on the part of the Senate retired, and after a short time returned, when Mr. Wingate reported that the joint committee had performed the duty assigned them, and were informed by the Lieutenant and acting Governor, that he would make a communication, in writing, to each house in a few minutes.

A message, in writing, was received from the Lieutenant and acting Governor, by Mr. Bullock, Secretary of State, which was read as follows, viz:

Gentlemen of the Senate,

and of the House of Representatives:

It has become my duty to meet you on the present occasion, as Chief Magistrate of Kentucky, in consequence of one of those afflicting visitations of Providence from which none, however exalted or however virtuous, are exempted. The decease of Governor Clark since the close of the last session of the General Assembly, is an event alike deplored by his family and the State. The one has been deprived of its honored head, the other of an able and an accomplished statesman. The death of such a man at any time, may well be counted a loss to the Commonwealth; but when we reflect, that he had been selected by his fellow citizens to discharge the high and responsible duties of Governor of the Commonwealth at an interesting period of her history, I am sure all will unite with me in the expression of an unfeigned regret for his death.

I am unable, on the present occasion, fellow-citizens, to greet your meeting with the accustomed congratulations for the prosperous and happy condition of our Commonwealth. While we have abundant cause of thanks to God for His care and His blessings of health to us, we are called to witness with deep regret an embarrassment of the fiscal concerns of our State, threatened with an abandonment of our public works, to experience a de-

rangement of the commercial and monetary concerns of the whole community, which is calculated to prostrate the enterprize and paralyze the industry of our fellow-citizens. Evils of such a magnitude cannot arise from inconsiderable and accidental causes. In part they may be traced to that adventurous spirit of speculation and trade which characterizes our population, always in danger of running into excesses when stimulated and encouraged by a facility of acquiring, temporarily, the means to give it action.

May we not certainly find abundant cause for the present deplorable condition of the currency of the Union, in the failure on the part of the General Government to perform its high duty of furnishing to commerce and trade a sound circulating medium. In the Congress of the United States, for wise purposes, has been vested the power to regulate the currency. The experience of the commercial world has demonstrated that the use of a mixed currency of uniform value, properly regulated by law, is the most convenient and profitable to trade. During those periods of our own history, when we had such a currency furnished and protected by the only power in our Government competent to furnish and at the same time to protect it, this assumption was verified by an experience of forty years of National and State prosperity. During the times referred to, when the General Government exercised, without passion, that power over the subject which appropriately belongs to the Congress of the United States, we had a currency that challenged the admiration of the civilized world. The commerce of the country was not so frequently or so destructively visited by those revulsions to which trade is ever more or less subjected. The prices of labour and the productions of industry were steady and liberal. The Banking institutions of the States moved within their appropriate spheres, furnishing a safe and convenient domestic circulating medium. If tempted by avarice at any time to exceed the legitimate rules of sound and fair banking, they were instantly checked by the fiscal operations of the General Government through an efficient and legitimate agent, acting constantly, equally and uniformly, upon the whole community.

In the midst of our greatest prosperity, it pleased the administrators of the Federal Power, for various motives, to wage a war upon the existing state of things not then avowing their purpose (if such entered into the motives of their action,) to bring the commerce and enterprize of the country to a specie standard, and to declare all other circulation as contraband. The public were told, and a majority confided, that the States, through the agency of State Banks, could furnish a currency as good, if not better, certainly safer, and perform all the exchanges upon as reasonable terms as they had been furnished by the National Bank. That war has been successful. The States have essayed, by the agency of local Banks, to perform the duties of fiscal agents to the General Government; to furnish a circulating medium to trade, and do the exchanges of commerce. All unite now in the same opinion, that the experiment has been fairly made and has totally failed. And those who were the first to originate the scheme were the first to abandon it, and are now loudest in its condemnation. Shall we again be tempted to try another new and untried experiment, or shall we return to the safe precedents set us by Washington and pursued by his compatriots, Madison and Monroe?

Kentucky, as a State, was found defending the principles of the adminis-

trations of those men upon the subject of currency; she was overcome and has been seduced to follow the example of other States in the establishment of State Banks, in which she not only vested her capital, but upon the sound administration of their concerns she has staked her character as a State and the prosperity of her people.

In common with the other States of the Union, her Banks have again suspended the payment of specie for their notes. Her citizens are laboring under a severe pecuniary pressure. So far as it relates to the management of the concerns of our own Banks, a careful examination of the general condition of their affairs, a strict scrutiny into their liabilities and their means, enable me to say that wisdom and prudence and an ardent desire to continue the payment of specie have marked the whole course of the Directory. Indeed, their efforts to discharge their liabilities have been the cause of much individual embarrassment, and a general complaint throughout the State of the scarcity of money.

No better evidence upon the subject need be required, than a statement of the amount of specie paid at the counter of the banks within the last twelve months, and the reduced amount of the liabilities of the Banks to the country since the first suspension. Such has been the universal derangement of the monetary concerns of the United States, arising from a variety of causes, no inconsiderable one of which is the utter inability of the State Banks to perform the business of foreign or domestic exchange, that specie found no resting or abiding place. It became an article of barter and trade, and was shipped and transported from point to point, to furnish a fund upon which the brokerage of the country feasted and fattened, at the expense of fair commerce and industrious labor.

In order to satisfy my own mind upon the subject, and to furnish the representatives of the people with evidence upon which they could rely in any effort which may be made to account for the evils which surround us, and apply any remedy which their wisdom might suggest, within their constitutional powers, I addressed an official communication to the Presidents of each of the Banks, upon being informed of the suspension of specie payments, requesting to be furnished with a statement of their condition—copies of which reports are herewith sent. I have also ascertained that not less than two millions of dollars of specie have been withdrawn from the banks, and at least one million six hundred thousand dollars have been exported from the State within the last twelve or fifteen months. The demand for specie for exportation continued to increase; the Eastern Banks, and the Banks of the States upon our borders, with whom the commercial relations of Kentucky were most intimately connected, having suspended, there was left to the Kentucky Banks (though abundantly able to have weathered the storm, by continuing their heavy demands upon their creditors,) no choice but to suspend. It is a matter of congratulation to be able to say to you, that my confidence in the ability of our Banks to meet all their liabilities is firm, and remains unshaken by any developments made since their suspension; and I am persuaded an anxious desire is felt by the managers of these institutions to resume the payment of specie, so soon as the condition of the country shall authorize it.

This suspension, which it is hoped is only temporary, will enable the Banks, in some degree, to relieve the country from that heavy pressure everywhere felt and acknowledged, and by a prudent management of their means,

and a devotion of them to the supply of eastern exchange, will afford such a demand for their notes as will prevent a sudden and ruinous depreciation in the only circulating medium of the State. It then becomes your duty, gentlemen, as the representatives of the people of Kentucky, to determine what legislation is necessary at this time to relieve the Banks from the penalties and liabilities which they voluntarily assumed—not so much for their own advantage as the protection of the interests and commerce of our State. In whatever may be decided by you as best to be done, (consistent, I know it must be, with a sound public policy and promotion of the interest of the Commonwealth,) I shall, with pleasure, render you a cheerful co-operation.

I am unable, gentlemen, to present you with a flattering account of the financial condition of the Commonwealth. By reference to the books of the Auditor and Treasurer for ten years past, it will be seen that the ordinary expenses of the State have greatly exceeded the amount of the revenue collected. To make up this deficit, the Treasurer has been compelled to overdraw upon the Bank from year to year. The amount paid at the Treasury during the fiscal year ending on the 10th of October last, over and above the amount of revenue paid, is forty two thousand two hundred and twenty four dollars sixty one cents. The ordinary charges upon the Treasury for the ensuing year, without including any demands which may be created by legislative appropriations during the present session, are estimated by the Second Auditor at two hundred and sixty nine thousand six hundred and eighty one dollars and seventy three cents. The receipts for the same period, upon the present basis of taxation, will be unequal to pay this amount and liquidate the balance now due by the Treasury to the Bank of Kentucky. A statement of the facts is all that can be necessary to induce the representatives of the people to assume the responsibility of providing a revenue adequate to the reasonable demands upon the Treasury. It is a humiliating condition for a proud Commonwealth to witness her fiscal officer appealing to the indulgence of a cashier of a Bank for permission to overdraw in order to pay the demands made upon the Treasury by authority of law. A people as patriotic as the people of Kentucky—possessing the abundant resources which they do, and which are within the reach of industry and enterprise, paying infinitely less amount of taxation upon the aggregate wealth of the State than is paid in any other State in the Union—so far from censuring their representatives, demand of them to exert the powers with which they have been invested to make their Government independent in all its functions, but especially to establish a State revenue that shall be equal to the annual wants of the Commonwealth.

Your system of revenue, to be just, should be equal. It never should exact from the community more than is wanted for public uses. A superabundance should be avoided for the same motives that a statesman would guard against a deficit for the necessary purposes of free Government.

Will it be contended by any that our taxes of ten cents upon one hundred dollars are high, when we know that our fellow citizens of Ohio are paying, without a murmur, fifty cents for every one hundred dollars of taxable property, and that those of Indiana are paying thirty cents? There are various sources of wealth, and many objects of luxury, to say nothing of vice, which invite the Legislature to impose upon them a portion of the burthen of the Commonwealth. Our fellow citizens desire a stable, safe and equal

Government, honestly administered in all of its departments, and they are willing to incur the expenses necessary to maintain such an one. I will not, therefore, permit myself to doubt the course which you will pursue upon this subject.

Your revenue system, as it now exists, if no increase, in the opinion of the Legislature, should at this time be made, requires amendment and revision, in order to insure its equality and prompt payment into the Treasury. A radical defect exists in the mode of the appointment of the assessors of tax, and their compensation. Complaints of unequal, if not unfair, valuations of property for taxation every where exist. Persons wholly incompetent are often selected by the county courts, for reasons other than their fitness for the station. The power vested in the county courts of increasing the compensation, when their judgment or discretion is the sole guide, is often exercised more in reference to favoritism for the commissioner than the extra public service rendered. This may be illustrated by a comparison of the size, population, and amount of taxation in the counties of Scott and Shelby. The amount paid for taking in the list of taxable property in the county of Scott, for 1839, is four hundred and fifty dollars—the amount of revenue to be collected is six thousand seven hundred and twenty dollars and forty nine cents; amount paid for same, in Shelby, is three hundred and seventy five dollars—amount of revenue in same is ten thousand three hundred and twenty dollars and fifty cents. There must be something wrong in the system. The County Court of Scott most assuredly allowed too much, or that of Shelby has not allowed enough.

It has occurred to me that if the office of assessor for each county was created by law, to be filled as other offices, with power to appoint his own assistants—more uniformity in the valuation of estates and less expense would be the result. Besides, it would relieve the County Courts of some of the duties and responsibilities imposed upon them by the Legislature, not altogether compatible with the original design in the establishment of that branch of the Judicial Department of the Government.

There exists in the form of the Commissioners' Books, as now prescribed, and in the law regulating the duties of the Commissioners and of the Clerks of the County Courts, a defect which can only be remedied by legislation. The recent discovery of a fraud practiced upon the Commonwealth, for a series of years, by an alteration of the copy of the Commissioners' book, after it had been copied by the Clerk for the Auditor's office, and the numerous mistakes which have been committed in adjusting the amount due from Sheriffs, which are daily developing themselves, have convinced me that a strict investigation into this subject should be made by the Representatives of the people, and the proper corrective applied. The annual reports of the Auditors and Treasurer, which will be submitted to you in a few days, will furnish you a more detailed and satisfactory statement of the receipts and expenditures of the past year.

The condition of the public offices, not only as to the manner in which the duties have been discharged, which I am sure will meet your approbation, but particularly the buildings in which they are kept, invites your examination. The daily and hourly exposure of the public archives of the State, including the records of titles to land granted by the Commonwealth of Virginia and Kentucky, to imminent danger of destruction by fire, should elicit from the Legislature some provision by law for their greater security.

There is one item of expenditure during the past year which requires an explanation. Upon the 11th day of March, 1839, Governor Clark received a communication from the President of the Lexington and Ohio Rail Road Company, informing him that the company would be unable to pay the interest then falling due upon their loan for which the State stood pledged, and expressing an opinion that it was highly probable the company would be unable to pay any thing in future. Governor Clark directed the amount to be paid out of the State Treasury, being of opinion that it was not a charge upon the Sinking Fund. Upon the seventh of September I addressed the President of the company, and requested that he would take steps to reimburse the Treasury the amount advanced, and relieve the State by the prompt payment of the future instalments of interest, from any further liability. His answer was, that the company were unable to pay. Influenced by the motive which actuated my predecessor—that of saving the credit and preserving inviolate the faith of the State—I directed the payment of the fall instalment of interest. The whole amount paid by the State is about eight thousand dollars. Copies of the correspondence between the Executive and the President of the company are sent you with this communication, together with the report of the President of the company, recently made, of the condition of the affairs of the company, that you may determine not only upon the propriety of the course which necessity forced the Governor to adopt, but also upon the expediency of at once proceeding, under the provisions of the act authorizing the endorsement of this debt by the State, to sell the road and the effects of the company, or so much thereof, as will pay the debt and interest, and release the Commonwealth from all further trouble and liability upon the subject. A sale has not been directed, because I thought it was due to all concerned, and to the Legislature particularly, to await any action which they might take in the premises.

His Excellency, Governor Clark, appointed James M. Bullock, Esq. as agent of the State to make sale of the State bonds authorized and directed by the law of the last session. This gentleman visited New York early in the season to execute the trust confided to him. He prolonged his stay until the month of October—using all the means consistent with a proper respect for the character of the State, and a due regard to the interest of the Commonwealth, to effect a sale upon the terms prescribed in the law under which he was appointed. No sale could be made upon terms which the State ought to have accepted. It was thought wholly useless for him to have visited Europe upon this business. There has been no demand for State stocks the past season, either in the market of the United States or of Europe. The course pursued by the agent of the State in declining a sale upon the terms offered by some of the capitalists and monied institutions of New York, and particularly his timely expose in the New York Journals of the real condition and amount of public debt owing by Kentucky, has met my entire approbation. Though he has been unable to serve the Commonwealth by sale of the bonds, it must be highly gratifying to him, and to you also, to know that he has been instrumental in some degree in placing the credit of the State in a position well understood and duly to be appreciated. A confidence, not only in her ability but in her integrity and disposition as a Commonwealth to fulfill all her engagements, has been created abroad, which I hope none will be found parricidal enough to destroy at home.

The failure to realize the amount contemplated by the act of last year to

provide for the Internal Improvement of the State has been the cause of much embarrassment to the Board of Public Works. They have consequently been unable to execute fully the duties enjoined upon them by the acts of the last Legislature. The public works under contract have not been advanced with that rapidity which was desired and anticipated by the General Assembly. With the aid afforded by the Banks of the State, under the provisions of the law authorizing the Board of Internal Improvement to borrow money, by and with the approbation of the Governor, they have been enabled to continue steadily, though not rapidly, their operations upon the public works under contract at the close of the last session. It was just and wise in the Board, in letting to contractors the new works, required by law positively to be put under contract this year, to stipulate with the contractors that they were not to commence the work until notified by the Board that they were in the possession of funds to meet their estimates.

The State is still in arrear to contractors upon turnpike roads and upon the rivers. To enable the Board to complete some of the most important public works upon the Kentucky river by the meeting of the Legislature, and to fulfil their engagements to public contractors for work done, an effort was made to sell a portion of the State bonds to the citizens of Kentucky, which has proved partially successful. The amount thus to be received and the amount borrowed of the Banks will, in some degree, relieve the contractors and enable the State in part to comply with her positive engagements with them.

It is with much satisfaction I am authorized to state to you that three locks and dams upon the Kentucky river, between Frankfort and the Ohio, are in such a state of forwardness that the navigation will be opened in a very few days. A practical illustration of the utility and importance of the improvement of our rivers, by locks and dams, will then be presented to the representatives of the people, which will do more towards removing the objections urged against it, than all the arguments of its most ardent and sanguine friends—an exhibition which, by its own influence, will overcome much of that honest prejudice which exists in the community. It must be matter of deep regret to every true friend of his country, if at this crisis in the affairs of the Commonwealth, any one, preferring the success of a political party to the improvement of the physical and moral condition of his own State, should be found exerting his influence to increase and excite unjust prejudices in the public mind against a system which is fraught with such rich blessings to our State. The Legislation of Kentucky, having for its object the improvement of our roads and rivers, owes its origin to no partizan feeling in our councils. It was conceived in a spirit of patriotism, and has been sustained by a just pride to keep pace with our sister republics in the march of improvement, and in the race of State prosperity. All parties have yielded to it an honorable and disinterested support, guided and influenced by a laudable ambition to place Kentucky where she deserves to stand, pre-eminent as a member of the confederacy. Neither of the great political parties which have unfortunately divided the Commonwealth upon questions of national policy, has a right to claim the system as its own, or to visit its evil consequences, if any, upon its antagonist. It should be the pride, as it is the duty, of all good citizens at this time to unite their exertions in the application of all the means and the resources of the Commonwealth to the completion of the works which are under contract. The

system, though obnoxious to the charge of defects, promises good to the whole community, and if not abandoned by its friends, will, in the end, shed its advantages and diffuse its blessings throughout our whole Commonwealth—one which will develop the hidden resources of the State, compel the mountain and the valley to yield up their treasures to the industry and enterprise of man, that he may make them minister to his comfort and happiness, and increase the aggregate wealth and power of his State. Who among us will falter in such an enterprise? Though checked for a time in its onward march by embarrassment and difficulties, brought upon the country by overtrading or caused by bad legislation, its friends have but to look steadily at the great objects they have in view to cheer them on to the final consummation of measures, which, in the end, will commend themselves to a grateful country. It should be the policy of the friends of this system not now to engage in new objects or involve the State by new contracts for public works. When matters shall right themselves—when confidence shall again be restored, and the means can be attained, Kentucky owes it to herself to carry out the system until each portion of the State shall be made to feel its advantages and with pleasure acknowledge the wisdom and revere the patriotism which spoke it into existence. Alarmists upon this subject, I am fully aware, exist in the community. They have existed in every State during the progress of any great public work. The projector of the New York canal was pronounced mad by his countrymen for a season, and not until the completion of that great undertaking was the wisdom and forecast of her Clinton acknowledged by a grateful country. Now, as then, the effective means employed to deter, is the immense debt created. Then, as now, the amount of the debt was magnified.

A statement of the public debt of Kentucky at this time, with the means of payment, may not be deemed inappropriate. The first debt created was two millions of dollars, which was vested in Bank stock. The stock is worth the debt, and will ultimately pay it. The amount of debt created for purposes of Internal Improvement, and for which the bonds of the State are at this time held by individuals, is one million seven hundred and sixty five thousand dollars. Kentucky received of the United States one million four hundred and thirty three thousand seven hundred and fifty seven dollars and thirty nine cents. Eight hundred and fifty thousand dollars of this sum was vested in Internal improvement Bonds, and constitutes now the Common School Fund; the remainder was vested in Bank stock for the use of the State. If this be a debt, Kentucky owes it to herself, and it should not therefore be charged against her. It may then be stated as above, that the whole amount of debt which she owes to individuals for bonds sold, is one million seven hundred and sixty five thousand dollars. The Commonwealth now owns in Bank stock, exclusive of the two millions originally subscribed, one million seventy thousand and nine hundred dollars, which leaves a balance due by the State to be liquidated by the Sinking Fund, when it becomes due, of only six hundred and ninety four thousand one hundred dollars. This amount is exclusive of the sum borrowed of the State Banks, which on the 10th October did not exceed two hundred and fifty thousand dollars. Is this a debt of sufficient magnitude to alarm the statesman and deter him from any further effort to improve the face of his country, to render the natural canals which God and Nature have created for us subservient to agriculture, manufactures and commerce?

There has been expended by the State upon all works of Internal Improvement, including appropriations made by the State of funds derived from the Bank of the Commonwealth, three millions one hundred and eighty two thousand and forty three dollars. There are now completed and in use four hundred and sixty four miles of turnpike roads: under contract, and in a state of forwardness, three hundred and forty nine miles more; making in all eight hundred and thirteen miles of road.

Upon Green River two Locks and Dams have been finished, and the third will be completed by the first of January, 1840, affording one hundred and twenty six miles of constant and safe navigation to the trade of that interesting portion of the State.

Upon the Kentucky River three Locks and Dams are nearly completed, and will, in a few days, give upon that river near eighty miles of safe navigation from its mouth. Other Locks and Dams upon the three rivers are in a state of construction. Can it be said by any one that the funds of the State have been wasted and squandered? If any shall doubt the practicability of the improvements, let him pause but a few days, when he shall witness the operation of the works on the Kentucky, and all his doubts and difficulties will be removed. If he doubts the utility, I invite him to consult the inhabitants of Green River, who have witnessed the safe navigation of that stream at a season when that of the Ohio was obstructed by shoals.

Shall we, fellow-citizens, take counsel of our fears—abandon these noble enterprises—sacrifice all that has been done and expended and degrade ourselves in the estimation of our sister States? Better counsels I hope will guide your deliberations upon this interesting subject. If all the Turnpike roads under contract, and the whole improvements contemplated upon the three rivers were completed, the additional sum required to be paid by the State, is only five millions four hundred and seventy four thousand two hundred and seventy nine dollars; add to this additional sum the balance of six hundred and ninety four thousand one hundred dollars, which the State now owes over her means of present payment, the whole debt would be six millions one hundred and seventy thousand three hundred and seventy nine dollars. What is this sum to the resources and wealth of the State of Kentucky, whose taxable property is now valued to two hundred and seventy five millions? This amount expended, and what are the results? We shall then have completed and under travel, eight hundred and thirteen miles of road, and eight hundred and fifty three miles of slack water navigation suited to Steam Boats of two hundred ton, penetrating our State from its Ohio border to its eastern mountains in the three grand divisions of her territory.

I forbear to speak of the whole advantages which we have a right to anticipate from the completion and use of these works. When the improvements upon the Kentucky river shall reach the mineral regions, and the salt, the iron and the coal, which there every where abound, shall be disembowelled from the earth and enter into the consumption of Kentucky, and take the place of those minerals now imported from Virginia, Ohio and Pennsylvania, we shall feel and duly appreciate some of the advantages to be derived from this expenditure of public money. At the head of this contemplated navigation, is found the means of manufacturing salt suffi-

cient for the consumption of five such States as Kentucky, now locked up and adding but little, if any thing, to the wealth of the State.

Does it comport with the principles of a sound political economy, that our citizens shall continue to pay tribute to other States, to whom we sell nothing, for this essential article of consumption, when there is found within her own territory the means of supplying her own wants, and of rendering tributary to her, other portions of the Union? You, gentlemen, as the representatives of the people, and as guardians of the public interest, must assume the responsibility of now determining the future action of your State upon this vitally interesting subject. In that decision I invoke, for our common country, the exercise of your best judgments, divested of all extraneous feeling or political passion.

To enable the Legislature to determine upon the measures best to be pursued at the present crisis, I have thought that a statement of the condition and resources of the Sinking Fund, in anticipation of the annual report of the Commissioners, might not be unacceptable. The amount on hand on 13th December, 1838, was fifty-five thousand and seventy-five dollars and forty-nine cents; amount received from December 13th, 1838, to November 13th, 1839, two hundred and forty-nine thousand seven hundred and eighty dollars and sixteen cents—total amount, three hundred and four thousand seven hundred and eighty-three dollars and sixty-five cents: deduct amount expended during same time, two hundred and fifty-five thousand five hundred and eighty-eight dollars and eighty-five cents, which will leave, now on hand, forty-nine thousand one hundred and ninety-four dollars and eighty cents; to which add the probable amount to be received in the year 1840, two hundred and twenty-one thousand five hundred and nine dollars, and deduct amount to be expended in the same time, one hundred and forty-seven thousand dollars, will leave on hand, at the end of the ensuing year, one hundred and twenty-three thousand seven hundred and three dollars and eighty cents. The importance of the further increasing and strengthening this fund was forcibly brought to the consideration of the Legislature by my predecessor, to whose message upon this, as well as upon other subjects requiring your attention, you are respectfully referred.

In the pursuit of the means to meet the exigencies of the public service at this time, permit me to direct your attention to the just claim which the States have upon the Federal Government to the distribution of the net annual proceeds arising from the sale of the public lands. The right of the States to this fund is recorded upon the statute books of the nation, and is one which they should never surrender, as long as the right of petition and remonstrance is recognized by the Constitution, or the voice of freemen is heard to speak through their representatives in the National Legislature.

The interesting subject of Education will engage your attention during the present session. I will not in this communication fatigue you with any arguments in favor of general education. At this enlightened day it is matter of astonishment if any man be found opposed to popular instruction. A government like ours, founded upon public opinion, depending upon the virtue and intelligence of the people for its duration and just administration, is bound by every consideration of duty and the principles of self-preservation to provide the means and prescribe the manner of public instruction so as to render it convenient and accessible to the whole community. Kentucky has resolved to make an effort in the cause of Common Schools. The outlines of

the system, proposing to combine the means of the Government with those of individual and voluntary taxation, are delineated in the law of 1838. A fund, which now produces an annual income of fifty thousand four hundred and fifteen dollars, has been set apart for this laudable purpose. It would be sound policy in the Legislature to increase this fund and make it efficient in the cause of education. There is no provision by the existing law for ascertaining the whole number of children within the State of the age designated in the law for the establishment of Common Schools. The superintendent, whose official labours have been incessant the past year, is of opinion that if the number of children had have been reported to the Board of Education, several Common Schools, in various parts of the State, would now have been organized and in successful operation. His annual report to you will, more in detail, point out the legislation necessary.

There is one desideratum in the system, which, while it continues, must render it difficult of general diffusion. There is no provision for the education and instruction of teachers for Common Schools. A capacity for teaching, though not wholly created by education, is certainly increased and made useful by instruction in the art of successfully communicating knowledge to children. Would it not be well to appropriate a portion of the annual income of the School Fund to the establishment of a Professorship in the State University for the purposes of educating Common School teachers? This would enable the State, through her University, to educate, annually, a sufficient number of young men to supply the demand for teachers, as the system shall progress in its organization and adoption by the people.

I will not allow myself to entertain the opinion that the Legislature of Kentucky intends to abandon the University of the State. If there was nothing of character and State pride involved in the consideration of this subject—if it were a mere matter of dollars and cents to be calculated, the interest of the Commonwealth and the principles of a just economy would be consulted and promoted by providing the means for educating, within her own territory, under her own supervision, the youth of the State. If the same amount expended in a single year by citizens of Kentucky in the education of their sons in the Colleges and Universities of other States, were profitably invested by the Legislature, it would place the University of the State in a condition to meet the demands of the community, and to command the attention and patronage of the States and Territories in the whole valley of the Mississippi.

Shall Kentucky be the only State in the Union who cannot boast of her State University? Will you continue longer the practice of sending our young men to be educated in the schools and colleges of other States, and have instilled into their minds principles at war with the domestic institutions of their own State—principles opposed to those of the constitution and laws of the Commonwealth? If there are objections to the organic laws of the University, amend them—if objections exist as to its present location, change it; but I ask you, in the name of our common country, in behalf of the cause of science and letters, that you make it, in reality, an institution worthy of the State which professes to claim it, and enable it to minister to the wants of the community in promotion of the cause of education.

Connected with this subject of general education is another which I commend to your favorable consideration—the efforts now being made by the

many societies in the State to improve the science and art of agriculture. Kentucky is, and must ever be, an agricultural State. Her wealth and prosperity mainly depend upon the productions of her soil and labor. A State society has been formed for the purpose of combining and concentrating effort and talent in this great cause. These efforts I hope will meet your favorable consideration. When we reflect that much the largest portion of the State revenue is derived from the farming class of the community—is it not due to them that a portion of it should be expended in founding a system of agricultural instruction, that will, while it elevates the intellectual and moral character, teach the practical farmer how to extract from the earth, with the least possible labor to himself and injury to the soil, the greatest amount of product—how to develop the latent energies of his farm—"to cause two blades of grass to grow where one had grown before," and by the combination of knowledge and skill with industry and labor, increase the wealth and resources of his State?

The difficulties and practices which threatened to disturb the peaceful relations of the citizens of Kentucky and Ohio, residing upon the Ohio border of the two States, (differences having their origin in that reckless spirit of fanaticism upon the subject of slavery which has well prepared those under its influence to light the torch of servile war) have, in a great measure, been obviated and suppressed by the timely and well conducted mission of Messrs. Morehead and Smith, under the resolution of the last Legislature. The satisfactory expose made by these gentlemen to the Ohio Legislature, of the grievances of which our citizens justly complained, resulted in the passage of a law which promises greater security to the citizens of Kentucky in the enjoyment of their right of property in their slaves. The penal sanctions of this law, if enforced by the authorities of Ohio, (and we have recent proof, by the conviction and punishment of the notorious Mahan, that her Judicial tribunals will enforce the execution of it,) are sufficient to deter those unprincipled agitators from all attempts to violate the acknowledged rights of the citizens of Kentucky, and thereby endanger that peace between the two States which it is the interest and duty of both to cultivate. The report of the Commissioners to the Executive, and a copy of the Law of Ohio referred to, are herewith sent.

A medium of fixed value, by which the price of labour is to be ascertained and the exchanges of property are effected, has been regarded as essential in every commercial community. In my opinion, a sound political economy requires that a circulating medium should never be treated as a commodity, and become the subject of barter and sale; be made to vary in the value of its use, as the cupidity of the capitalist and money dealer shall dictate to the necessities of the industrious and enterprising citizen. It forbids that what is designed to be a uniform test of property, should, like property, be regulated in its value by the laws of demand and supply. Hence we find that, in every country where commerce and trade are regarded as worthy the protection of law, where credit enters into the business transactions of the community, laws have been made to fix the rate of interest upon money, and prescribe the penalties against their violation. It is when revulsions in trade take place, when misfortune overtakes the honest and enterprising man in times like the present, the usurer, who adds but little by his labour to the wealth or happiness of society, gluts his appetite and fills his coffers at the expense, and not unfrequently upon the ruin, of the labo-

rious and industrious portion of the community. I, therefore, respectfully recommend to the General Assembly the propriety of revising the laws against usury. If the interest upon money, as now regulated by law, be too low, increase it; but at whatever rate the Legislature has declared it shall be, let that be the standard, and prohibit, by adequate penalties, its evasion. The unfortunate victim of the usurer, seldom has the moral courage to avail himself of the present provisions of the law made for his protection; but if the excessive interest exacted was forfeited to the Commonwealth, and an appropriate remedy prescribed by law, public sentiment would sustain and enforce its execution. We might then hope to see much of that public and individual suffering, arising from the heavy exactions of the money-lender, disappear from the transactions of commerce.

The Penitentiary is managed by the present Keeper, under the existing laws, in a manner highly creditable to him and to the State. His treatment of the convicts is as humane as is consistent with the objects designed by their confinement. They are as well fed and clothed as the law which prescribes his duty upon this subject requires. The cells used at the present time are insecure, and wholly unfitted as places either of punishment by solitary confinement, with a view to reformation, or as places of rest from daily labor.

Under the provisions of the act of the last session, the Commissioners of the Sinking Fund directed the building of two hundred and fifty new cells which are now in progress. In connection with the new cells, under a law of a previous date, it is contemplated to erect a building for an office and store room. The superintendent has been directed so to construct the office, that the second story thereof may be converted into an arsenal, for the safe keeping and preservation of the public arms. This additional room will cause but little, if any, increased expenditure.

Some knowledge, derived from personal observation in various parts of the State, induced me to believe that a great portion of the public arms, which have been distributed to militia companies under former and existing laws, has been lost or destroyed. A letter was addressed to the Quarter Master General, desiring information upon this and other subjects pertaining to the duties of his office. His report, in answer to this communication, will give you the information necessary to enable the Legislature to adopt such measures as may, in their judgment, remedy the evil which is found to exist. All necessary steps will be taken to obtain the amount due for the arms of the State, represented by the Quarter Master General to have been delivered to the United States during the late war, and which have never been returned.

The Report of the Adjutant General gives all the information in the possession of the Executive, connected with the business assigned him by law. The suggestions which he makes are worthy of legislative consideration. The transfer of the duties now performed by the Secretary of State, connected with the militia service, to the Adjutant General's office, would be appropriate, and at the same time relieve that officer of a portion of his labors, which have of late become onerous and are constantly increasing.

The laws prescribing the mode of summoning petit jurors have proved highly beneficial to the administration of justice, and have commended themselves to public approbation. They need amendment in some of their details. The Clerks should be required to report to the Auditor, at the ex-

piration of each term of his Court, an account of the settlement made with the Trustee of the Jury Fund; and the Trustee should be required to pay over, under adequate penalties, any balance which remains in his hands at the end of the term. This would enable the Auditor to keep his accounts regular, and to act as a check upon the Clerks and Trustee.

The demand for labor upon the public works—the inducements presented by our climate and soil, and the nature of our government, have invited within our borders many aliens and strangers who have died within the State. Their kindred, who would have a just claim upon their estates, are unknown—persons have administered upon them, and hold them without the shadow of claim founded in justice or right, other than that of being administrator or executor. I would respectfully suggest the propriety of the passage of a law requiring, in these and all similar cases, that the administrator pay the money into the State Treasury, to be kept for the distributees, upon proper application being made.

There is one other subject to which I invite the attention of the Legislature before I close this communication. It is to the laws now in force authorizing the appropriation, by grant, of what is called the vacant lands within the Commonwealth. It was the intention of the Legislature, and they so declared it in the law when they authorized the appropriation of land by Kentucky warrants, that *land* which had been *patented* heretofore under the laws of Virginia and Kentucky should not be subject to new appropriation. It has now become a trade in some sections of the State to appropriate all the lands which are found unoccupied by the owner as vacant land. The titles thus acquired are sold to the uninformed citizen, who, ignorant of the fraud, settles upon the land of another, believing it his own. Numerous instances exist where the land of the widow, or the descendants of him who purchased and paid for it with his blood, freely shed in the defence of his country, have been appropriated, under the existing laws, at ten cents per acre. This system, if continued, will again involve our population and land titles in legal contestation, and renew the evils which were entailed upon us by the unwise and improvident land laws of Virginia. Does it comport with the high character for justice, which Kentucky proudly asserts, that she, knowingly, permits her citizens to appropriate, as vacant, the land which has been patented for half a century, and which, in many instances perhaps, constitutes the only heritage of a descendant of some ancestor of revolutionary memory?

With an ardent desire that your legislative labors may, under the blessings of Providence, tend to promote the happiness and advance the interest of our beloved country, I tender to you, gentlemen, my cheerful co-operation in the performance of your public duties.

Respectfully, yours,

CHARLES A. WICKLIFFE.

[For Documents accompanying the Message, see Appendix.]

Mr. Wingate moved that the Public Printer be directed to print 3,000 copies of the said message for the use of the Senate.

Mr. Wickliffe moved that the Public Printer be directed to print 5,000 copies of the said message.

The question being taken on printing 5,000 copies, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Guthrie and Jasper, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,	Payne,	Walker, C. J.
Ballinger,	Pitts,	Walker, J. V.
Clarke,	Rice,	Weller,
James,	Roberts,	Wickliffe,
Morgan, D.	Schooling,	Williams--17.
Morgan, J. S.	Slaughter,	

Those who voted in the negative were—

Messrs. Anderson,	Guthrie,	Pratt,
Barlow,	Hughes,	Sterett,
Bradshaw,	Huston,	Tomlinson,
Davidson,	Jasper,	Wallace,
De Courcy,	Jesup,	Wingate--17.
Ford,	Johnston,	

Ordered, That the Public Printer print 3,000 copies of the said message for the use of the Senate.

On the motion of Mr. Wingate,

Ordered, That the Public Printer print 150 copies of the rules of the Senate for the use of the General Assembly.

On the motion of Mr. Wingate, leave was given to bring in a bill to fix the ratio and apportion the representation for the ensuing four years.

Messrs. Wingate, Wickliffe, Guthrie, Dixon, Rice, Payne, Ford, Ballinger, Jasper, Clarke, Anderson, Huston, and Weller, were appointed a committee to prepare and bring in the same.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 4, 1839.

Mr. Archibald Dixon, a member of the Senate from the fifth Senatorial district, appeared and took his seat.

The following standing committees were appointed, to wit:

On the Judiciary—Messrs. Guthrie, Dixon, Payne, James, and Rice.

Of Propositions and Grievances—Messrs. Rice, James, V. Walker, Weller, Schooling, and Sterett.

Of Privileges and Elections—Messrs. Huston, De Courcy, Charles J. Walker, Davidson, and Jasper.

Of Religion—Messrs. Wingate, Clarke, Bradshaw, Davidson, and Williams.

Of Internal Improvement—Messrs. Ballinger, Wickliffe, John S. Morgan, Wallace, and Murrell.

Of Finance—Messrs. Johnston, Clarke, Pratt, Anderson, and Ford.

On Education—Messrs. Clarke, Daniel Morgan, Anderson, Tomlinson, and Hughes.

On the Penitentiary—Messrs. Pitts, Jesup, De Courcy, Jasper, and Williams.

On Military Affairs—Messrs. Jesup, Pratt, Roberts, Barlow, and Weller.

JOINT COMMITTEES.

On Enrollments—Messrs. Barlow, Anderson, and Hughes.

On Banks—Messrs. Guthrie and Wickliffe.

On the Library—Messrs. Slaughter, Charles J. Walker, and Hughes.

On Public Offices—Messrs. Murrell and Slaughter.

The Speaker laid before the Senate the annual report of the Auditor of Public Accounts, which is as follows, viz :

STATE OF KENTUCKY,
Auditor's Office, December 4, 1839. }

HON. SAMUEL HANSON,

Speaker of the Senate :

Sir : You will oblige me by laying before the Senate over which you have the honor and pleasure to preside, the enclosed annual report of the Auditor of Public Accounts.

I am, respectfully,

yours, &c.

BEN. SELBY, Auditor Public Accounts.

[For the report—see Appendix.]

Ordered, That the said report be referred to the committee of Finance, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The Speaker laid before the Senate the annual report of the Second Auditor, which is as follows, viz :

REVENUE DEPARTMENT,
Auditor's Office, Kentucky,
Frankfort, 4th December, 1839. }

HON. SAMUEL HANSON,

Speaker of the Senate :

Sir : I enclose the annual report from this Department.

Very respectfully, your obedient servant,

THO. S. PAGE, Second Auditor.

[For the report—see Appendix.]

Ordered, That the said report be referred to the committee of Finance, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The Speaker laid before the Senate the annual report of the Treasurer, which is as follows, viz:

FRANKFORT, KENTUCKY,
Treasury Office, 4th December, 1839. }

HON. SAMUEL HANSON:

Sir: You will please lay before the honorable House over which you preside, the accompanying report.

Yours, respectfully,
JAMES DAVIDSON, Treasurer.

[*For the report—see Appendix.*]

Ordered, That the said report be referred to the committee of Finance, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The Speaker laid before the Senate the annual report of the Keeper of the Penitentiary, which is as follows, viz:

[*For the report—see Appendix.*]

Ordered, That the said report be referred to the committee on the Penitentiary, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

1. Mr. Weller presented the petition of the Judge and members of the bar of the 16th Judicial District, praying for the repeal of all laws authorizing the retail of ardent spirits, and the passage of such laws as will impose an effectual check upon the practice.

2. Mr. J. S. Morgan presented the petition of sundry citizens of Nicholas county, praying for the repeal of all laws for licensing the retail of spirituous liquors, as a beverage or common drink, and for the passage of a law prohibiting the trafficking in alcoholic liquors, except so far as the arts or the practice of medicine may be concerned.

3. Mr. Jasper presented the petition of Francis P. Stone, and wife, praying for the passage of a law authorizing the County Court of Wayne county, to appoint a guardian for the infant children of John H. Bell, deceased.

4. Mr. Barlow presented the petition of James Beatty, of Clinton county, praying for the passage of a law authorizing him to open a road.

5. Mr. Johnston presented the petition of the widow and executors of Samuel Pryor, deceased, praying for the passage of a law authorizing the sale of a tract of land in Henry County, of which the said Samuel Pryor died seized.

6. Mr. Pratt presented the petition of the administrators of Absalom Turner, deceased, and others, praying for the passage of a law authorizing

the sale of ten acres of land lying in the county of Scott, the property of the infant heirs of the said Turner, and a reinvestment of the proceeds in new lands in the State of Missouri, where their mother now lives.

7. Mr. Weller presented the petition of John Gray and Isaac Gray, praying for a change of venue in two presentments against them, in the Caldwell Circuit Court, for keeping a tippling house in the town of Princeton.

8. Also, the petition of Isaac Gray, for a change of venue on an indictment against him in the Caldwell Circuit Court, for setting up a gaming table.

9. Mr. John S. Morgan presented the petition of Henry Fritts, jailor of Nicholas county, praying for the passage of a law authorizing him to hold said office by residing within the limits of the town of Carlisle, in said county.

Which petitions were received and referred; the 1st and 2d to the committee of Religion; the 3d, 5th, 6th, 7th, 8th, and 9th, to the committee on the Judiciary, and the fourth to the committee of Propositions and Grievances.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Rice—1. A bill to legalize the proceedings of the 110th Regiment of Kentucky Militia.

2. A bill to change the time of holding the December term of the Lawrence County Court in the year 1839, and for other purposes.

On the motion of Mr. Anderson—3. A bill providing for the apprehension and detention of fugitives from justice from other States.

On the motion of Mr. Jesup—4. A bill to repeal the law respecting the importation of slaves into this State, approved February 2d, 1833.

On the motion of Mr. Schooling—5. A bill for the benefit of the Sheriff of Marion county.

The committee on Military Affairs was directed to prepare and bring in the 1st; the committee of Finance, the 5th; Messrs. Rice, Payne and D. Morgan, were appointed a committee to prepare and bring in the 2d; Messrs. Anderson, Guthrie and Payne, the 3d; and Messrs. Jesup, James and Dixon, the 4th.

Mr. James moved the following resolutions, viz:

Resolved, That so much of the Governor's message as relates to the Judiciary, be referred to the committee on the Judiciary.

Resolved, That so much of said message as relates to Internal Improvement, be referred to the committee on Internal Improvement.

Resolved, That so much of said message as relates to the fiscal affairs of this Commonwealth, be referred to the committee on Finance.

Resolved, That so much of said message as relates to Education, be referred to the committee on Education.

Resolved, That so much of said message as relates to Military Affairs, be referred to the committee on Military Affairs.

On the motion of Mr. Wickliffe, the said resolutions were amended by adding thereto the following, viz:

So much as relates to the Penitentiary, to the committee on the Penitentiary; so much of it as relates to the usury laws and the jury laws, to the committee on the Judiciary; so much as relates to the appropriation of patented lands by Kentucky land warrants, to the same committee; so much as relates to the laws regulating the duties of executors and administrators, to the committee on the Judiciary.

The said resolutions, as amended, were adopted.

On the motion of Mr. Wingate,

Resolved, That Mr. J. Clarke be permitted a seat within the bar of the Senate, for the purpose of reporting the proceedings.

Mr. Weller presented the annual report of the Trustees of the Cumberland Hospital, which is as follows, viz:

[For this report—see *Appendix*.]

Ordered, That the said report be referred to the committee of Finance and that the Public Printer print 150 copies thereof for the use of the General Assembly.

On the motion of Mr. Wickliffe,

Ordered, That the Public Printer print 150 copies of the documents accompanying the message of the Lieutenant and Acting Governor.

And then the Senate adjourned.

THURSDAY, DECEMBER 5, 1839.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Guthrie, from the committee on the Judiciary—1. A bill for the benefit of the infant heirs of John H. Bell, deceased.

2. A bill for the benefit of the Jailor of Nicholas county.

By Mr. Rice—3. A bill to change the time of holding the December County Court of Lawrence, for the year 1839, and for other purposes.

By Mr. Anderson—4. A bill providing for the apprehension and detention of fugitives from justice in other States.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st, 2d, and 3rd, were ordered to be engrossed and

read a third time, and the fourth was referred to the committee on the Judiciary.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the petition of John Gray and Isaac Gray, for a change of venue, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Wingate moved the following resolution, viz:

Resolved, That the committee of Religion be instructed to report against all applications for a divorce where the case is provided for by law.

The question being taken on the adoption of the said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wingate and Davidson, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Guthrie,	Slaughter,
Anderson,	Hughes,	Sterett,
Ballinger,	Johnston,	Walker, J. V.
Barlow,	Morgan D.	Weller,
Clarke,	Morgan, J. S.	Wickliffe,
Davidson,	Payne,	Wingate—20.
Ford,	Pitts,	

Those who voted in the negative were—

Messrs. Bradshaw,	Jasper,	Roberts,
De Courey,	Jesup,	Schooling,
Dixon,	Murrell,	Wallace,
Huston,	Pratt,	Walker, C. J.
James,	Rice,	Williams—15.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Ballinger—1. A bill to change the time of holding the Laurel Circuit Court, and the Knox County Court.

On the motion of Mr. Johnston—2. A bill to amend the act entitled, an act to incorporate the Shelbyville Fire, Marine and Life Insurance Company.

On the motion of Mr. Anderson—3. A bill to change the name of David Benson Davis, to that of David Benson Rice.

On the motion of Mr. Schooling—4. A bill to amend and reduce into one the several acts respecting the county line between the counties of Washington and Marion.

On the motion of Mr. Wickliffe—5. A bill to incorporate the Lexington Cemetery.

6. A bill to incorporate the Lexington Mechanics' Institute and Savings Institute.

7. A bill to incorporate the Lexington and Fayette Farmers' Institute and Savings Institute.

On the motion of Mr. Weller—8. A bill to amend the law in relation to garnishee, by increasing the jurisdiction of Magistrates in such cases.

Messrs. Ballinger, C. J. Walker and Davidson, were appointed a committee to prepare and bring in the 1st; Messrs. Johnston, Hughes and Huston, the 2d; Messrs. Anderson, Murrell and Schooling, the 3d; Messrs. Wickliffe, C. J. Walker and Pratt, the 5th, 6th and 7th; Messrs. Weller, Sterett and Ford, the 8th; and the committee on Propositions and Grievances was directed to prepare and bring in the 4th.

On the motion of Mr. Wickliffe, he was excused from serving on the joint committee on Banks.

Mr. Guthrie moved that he be excused from serving on the said committee, and the question being taken thereon, it was decided in the negative.

On the motion of Mr. Jesup, Mr. Dixon was added to the said committee.

And then the Senate adjourned.

FRIDAY, DECEMBER 6, 1839.

1. Mr. Barlow presented the petition of sundry citizens of Monroe county, praying for the establishment of an election precinct in said county.

2. Mr. Huston presented the petition of Edward C. Hayden and others praying for the passage of a law authorizing said Hayden to build a mill and dam on Salt river.

3. Mr. Murrell presented the petition of sundry citizens, praying for the passage of a law providing for a geological survey of the State.

Which were received and referred; the 1st to the committee of Privileges and Elections; the 2d to the committee of Internal Improvement, and the 3d to the committee of Propositions and Grievances.

The following bills were reported, viz:

By Mr. Johnston—1. A bill to amend an act, entitled, an act to incorporate the Shelbyville Fire, Marine and Life Insurance Company.

By Mr. Anderson—2. A bill to change the name of David Benson Davis, to that of David Benson Rice.

Which were read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the second bill being dispensed with,

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the second and third readings of the first bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Clarke,

Resolved, That the committee on the Judiciary be instructed to enquire into the propriety of repealing so much of the act of 1827, regulating injunctions, and other restraining orders in chancery suits, as exempts Clerks from liability in taking insufficient security in injunction and other bonds, when they administer an oath to the security, and the security swears that he or they are able to pay the amount of the bond which they are about to execute.

Leave was given to bring in the following bills, viz:

On the motion of Mr. De Courcy—1. A bill allowing Willis Blanton, Surveyor of Franklin county, further time to give bond.

On the motion of Mr. Wingate—2. A bill to establish a new Judicial District out of the counties of Shelby, Henry, Franklin, Owen and Carroll.

Messrs. De Courcy, Wallace and Roberts, were appointed a committee to prepare and bring in the first; and Messrs. Wingate, Johnston, Hughes, Wallace, and Clarke, the second.

Engrossed bills of the following titles were severally read a third time, viz:

An act for the benefit of the infant children of John H. Bell, deceased.

An act for the benefit of the Jailor of Nicholas county.

An act to change the time of holding the December County Court of Lawrence, in the year 1839, and for other purposes.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

And then the Senate adjourned.

SATURDAY, DECEMBER 7, 1839.

Mr. Isaac Burnett, a member of the Senate from the twenty first Senatorial district, appeared and took his seat.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act for the benefit of Matthew Cook.
2. An act to reduce the number of Justices of the Peace of Ohio county.
3. An act for the benefit of Abner Belton.
4. An act to have the line run and marked between the counties of Montgomery and Clarke.
5. An act for the benefit of H. B. Smith, Clerk of the Grant Circuit and County Courts.
6. An act for the benefit of William Smith, of Harrison county.
7. An act for the benefit of N. R. Harris and E. D. Solomon.
8. An act to establish an election precinct in the county of Daviess, and to change the place of voting in another.
9. An act to allow the Sheriff of Clinton county further time to return his delinquent list of militia fines.
10. An act for the benefit of Denten Geoghegan and Barton Roby, late Sheriffs of Hardin county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred; the 1st and 6th to the committee of Propositions and Grievances; the 2d, 3d, 4th 5th, and 7th, to the committee on the Judiciary; the 8th, to the committee on Privileges and Elections; and the 9th and 10th, to the committee of Finance.

1. Mr. Williams presented the petition of the executors and adult heirs of N. S. Dallam, deceased, praying for the passage of a law authorizing a sale of the real estate of the said Dallam.

2. Mr. Weller presented the petition of Nelson Dyer, praying for a divorce from his wife.

3. Mr. Barlow presented the petition of Joseph McGuire, praying for the passage of a law authorizing him to sell spirituous liquors without a license.

4. Mr. Pitts presented the petition of sundry citizens in the vicinity of lock and dam No. 3, on Green river, praying that the timber may be removed from a piece of ground overflowed by the back water from said dam.

5. Mr. Burnett presented the petition of Morgan Hopson, praying for the passage of a law authorizing him to bring three slaves from the State of Tennessee into this State.

Which petitions were received and referred; the 1st and 5th, to the committee on the Judiciary; the 2d, to the committee of Religion; the third, to the committee of Propositions and Grievances; and the 4th, to the committee of Internal Improvement.

Mr. Jesup, from the committee on Military Affairs, reported a bill to legalize the proceedings of the Court of Assessment for the 110th Regiment

of Kentucky Militia, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was ordered to be engrossed and read a third time.

An engrossed bill, entitled, an act to change the name of David Benson Davis, to that of David Benson Rice, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Schooling—1. A bill for the benefit of the late Sheriff of Washington county.

On the motion of Mr. Roberts—2. A bill to amend the execution laws of this Commonwealth, and for other purposes.

The committee on Finance was directed to prepare and bring in the 1st, and Messrs. Roberts, Schooling, and J. S. Morgan, were appointed a committee to prepare and bring in the 2d.

Four messages, in writing, were received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, the said messages were taken up and read as follows, viz:

EXECUTIVE DEPARTMENT,
December 7th, 1839. }

Gentlemen of the Senate:

Since the adjournment of the Legislature in February last, the following militia officers have been commissioned by me, until the end of your present session. I therefore nominate them for your advice and consent, to be commissioned for the offices respectively annexed to their names, to wit:

Tucker W. Ragsdale, to be Major General of the 11th Division, in place of Jesse Mosley, deceased.

Matthew C. Cecil, to be Colonel of the 4th Regiment, in place of Cornelius Raley, resigned.

James Brown, to be Lieutenant Colonel of the 4th Regiment, in place of James M. Crisp, resigned.

Alexander Hensley, to be Major of the 4th Regiment, in place of M. C. Cecil, resigned.

Samuel Muir, to be Major of the 14th Regiment, in place of John C. W. McKenny, removed.

Thomas G. Randall, to be Lieutenant Colonel of the 42d Regiment, in place of John Keiser, resigned.

Samuel C. Trotter, to be Major of the 42d Regiment, in place of Thos. G. Randall, if promoted.

Alexander R. McDowell, to be Lieutenant Colonel of the 55th Regiment, in place of Charles C. Lockett, resigned.

Meredith Dixon, to be Colonel of the 70th Regiment, in place of Cyrus Van Bibber.

James Savage, to be Lieutenant Colonel of the 70th Regiment, in place of Meredith Dixon, if promoted.

A. H. Frizzell, to be Major of the 70th Regiment, in place of James Savage, if promoted.

Robert Walkup, to be Major of the 93d Regiment, in place of Joseph B. Walkup, refused.

John Friend, to be Colonel of the 98th Regiment.

Edwin Trimble, to be Lieutenant Colonel of the 98th Regiment.

Samuel K. Friend, to be Major of the 98th Regiment.

Benjamin F. Johnson, to be Colonel of the 129th Regiment, in place of Lewis Riley, resigned.

William B. Wall, to be Lieutenant Colonel of the 129th Regiment, in place of Jacob C. Talbott, resigned.

William M. Stevens, to be Major of the 129th Regiment, in place of John T. McFarland, resigned.

Allen D. Patterson, to be Colonel of the 130th Regiment, in place of J. C. A. Strange, refused.

Francis N. Taylor, to be Lieutenant Colonel of the 130th Regiment, in place of J. C. A. Strange, resigned.

Philip Winfree, to be Major of the 130th Regiment, in place of Joseph Winfree, removed.

Enock B. Newkirk, to be Lieutenant Colonel of the 132d Regiment, in place of William Porter, refused.

William J. Cornell, to be Major of the 132d Regiment, in place of John B. Heafer, removed.

C. A. WICKLIFFE.

EXECUTIVE DEPARTMENT, }
December 7th, 1839. }

Gentlemen of the Senate :

Since the adjournment of the Legislature in February last, the following civil officers have been commissioned by my predecessor in office, the late Governor Clark, until the end of your present session. I therefore nominate them for your advice and consent, for the offices respectively annexed to their names, viz :

Samuel Glenn, to be Sheriff of Caldwell county, in place of Matthew Lyon, deceased.

Crawford Anderson, to be Sheriff of Graves county, in place of Matthias Travis, who failed to give bond as required by law.

William Bigley, to be Sheriff of Perry county, in place of John Haddix, who resides in the county of Breathitt.

William F. Barrett, to be Notary Public, in the county of Green, in place of William B. Allen, resigned.

James Porter, to be Police Judge, in the town of Danville, in place of F. Yeizer, resigned.

Toliver W. Gresham, to be Police Judge, in the town of Lancaster, in place of Thomas Buford, resigned.

C. A. WICKLIFFE.

EXECUTIVE DEPARTMENT,
December 7th, 1839. }

Gentlemen of the Senate:

Since the adjournment of the Legislature in February last, the following civil officers have been commissioned by me until the end of your present session. I therefore nominate them for your advice and consent, to be commissioned for the offices respectively annexed to their names, viz:

Martin Fugate, to be Sheriff of Pendleton county, in the place of John Hobday, who declines serving as Sheriff of said county.

John Watson, to be Sheriff of the county of Franklin, in place of Isaac Wingate, resigned.

John M. Duncan, to be Notary Public, in the county of Warren.

William Herd, to be Sheriff in the county of Clay, in place of George H. Rogers, whose term of service has expired, and all the members of the County Court having refused to serve.

Thomas Metcalfe, to be appointed a member of the Board of Internal Improvement, in place of Manlius V. Thompson, resigned.

C. A. WICKLIFFE.

EXECUTIVE DEPARTMENT,
December 7th, 1839. }

Gentlemen of the Senate:

Since the adjournment of the Legislature in February last, the following Militia officers have been commissioned until the end of your present session, by my predecessor in office, the late Governor Clark. I therefore nominate them for your advice and consent, to be commissioned for the offices respectively annexed to their names, viz:

Philip Emmert, to be General of the 10th Brigade, in place of H. S. Emerson, promoted.

Daniel Hager, to be General of the 14th Brigade, in place of Wm. Ratcliffe, promoted.

Ambrose Kirtley, to be General of the 20th Brigade, in place of N. H. Parish, resigned.

John Wallace, to be General of the 22d Brigade, in place of Leonard Stephens, promoted.

William J. Pilcher, to be Colonel of the 1st Regiment, in place of James C. Davis, refused.

James Harrison, to be Lieutenant Colonel of the 1st Regiment, in place of Mortimer R. Wigginton.

F. L. Smith, to be Major of the 1st Regiment, in place of Stephen R. Latimer.

James M. Wright, to be Colonel of the 2d Regiment, in place of James M. Brown, resigned.

Peter Able, to be Lieutenant Colonel of the 2d Regiment, in place of James M. Wright, if promoted.

William Read to be Major of the 2d Regiment, in place of Peter Able, if promoted.

Stephen H. Slaughter, to be Lieutenant Colonel of the 6th Regiment, in place of John E. Wright, resigned.

John S. Bailey, to be Major of the 6th Regiment, in place of Stephen H. Slaughter, if promoted.

William B. Crupper, to be Major of the 28th Regiment, in place of Leland Pattie, refused.

J. D. S. Peacock, to be Colonel of the 32d Regiment, in place of John H. Myers, promoted.

John D. Lux, to be Lieutenant Colonel of the 32d Regiment, in place of J. D. S. Peacock, if promoted.

Thomas W. Mayfield, to be Major of the 32d Regiment, in place of William F. Chappell.

Andrew G. Kyle, to be Major of the 43d Regiment, in place of James A. Fisher.

William Bates, to be Major of the 53d Regiment, in place of Henderson Coffee, not able to serve.

William Stean, to be Major of the 57th Regiment, in place of William Ford, resigned.

James W. Doores to be Colonel of the 64th Regiment, in place of Samuel C. Carpenter, resigned.

Patterson E. Welch, to be Lieutenant Colonel of the 64th Regiment, in place of John Spilman, resigned.

Peter W. Anderson, to be Major of the 64th Regiment, in place of James Siddons, resigned.

William P. Brown, to be Lieutenant Colonel of the 71st Regiment, in place of John Dimmitt, resigned.

Henry C. Cox, to be Major of the 71st Regiment, in place of William P. Brown, if promoted.

P. W. Napier, to be Major of the 74th Regiment, in place of Elisha Henson, resigned.

Harvey Graham, Colonel of the 76th Regiment in place of Daniel White, promoted.

Barnabas Bailey, to be Lieutenant Colonel of the 76th Regiment, in place of Harvey Graham, if promoted.

Mark H. Bone, to be Major of the 76th Regiment, in place of Barnabas Bailey, if promoted.

Samuel Lennox, to be Major of the 86th Regiment, in place of Isaac N. Lair, refused.

Peter Hart, to be Lieutenant Colonel of the 89th Regiment, in place of George Faulkner, refused.

Daniel Smith, to be Major of the 89th Regiment, in place of Peter Hart, if promoted.

McGee McClain, to be Colonel of the 91st Regiment, in place of James V. Walker, resigned.

David Porter, to be Lieutenant Colonel of the 91st Regiment, in place of McGee McClain, if promoted.

James W. Irwin, to be Major of the 91st Regiment, in place of David Porter, if promoted.

Samuel Reese, Colonel of the 95th Regiment, in place of Spencer Hudson, resigned.

John M. Weddle, to be Lieutenant Colonel of the 95th Regiment, in place of Samuel Reese, if promoted.

Dickey F. Cundiff, to be Major of the 95th Regiment, in place of George W. Slown, resigned.

William H. Wilson, to be Colonel of the 109th Regiment, in place of Philip Emmert, if promoted.

William G. Howard, to be Lieutenant Colonel of the 109th Regiment, in place of William H. Wilson, if promoted.

Joel P. Nunn, to be Major of the 109th Regiment, in place of William G. Howard, if promoted.

Lewis C. Roberts, to be Colonel of the 114th Regiment, in place of S. B. Kinkead, resigned.

Andrew Mars, to be Lieutenant Colonel of the 114th Regiment in place of Lewis C. Roberts, if promoted.

William C. Oden, to be Major of the 114th Regiment, in place of Andrew Mars, if promoted.

Matthew McHatton, to be Colonel of the 120th Regiment, in place of John Wallace, if promoted.

Samuel B. McPherson, to be Lieutenant Colonel of the 120th Regiment, in place of Matthew McHatton, if promoted.

John C. Riley, to be Major of the 120th Regiment, in place of S. B. McPherson, if promoted.

C. A. WICKLIFFE.

Resolved, That the Senate advise and consent to the said appointments.

On the motion of Mr. Anderson,

Resolved, That the committee on the Library be instructed to enquire into the expediency of purchasing certain books for the Library.

And then the Senate adjourned.

MONDAY, DECEMBER 9, 1839.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz:

An act for the benefit of the infant heirs of John H. Bell, deceased.

An act to change the time of holding the December County Court of Lawrence, for the year 1839, and for other purposes.

An act to amend an act, entitled, an act to incorporate the Shelbyville Fire, Marine and Life Insurance Company.

And that they had passed bills of the following titles, viz:

1. An act for the benefit of Jesse Yates.
2. An act for the benefit of Lucy McMachin.
3. An act for the benefit of Catharine Pepper.
4. An act for the benefit of Eleanor Jones.
5. An act for the benefit of Leroy Dobyns.

6. An act to extend the Constable's district in the town of Burksville.
 7. An act to change the place of voting in the Chapel Precinct, in Clay county.
 8. An act to establish the county line between Floyd and Morgan.
 9. An act for the benefit of William Willborn.
- Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred; the 1st to the committee of Internal Improvement; the 2d, 3d, and 4th, to the committee on Religion; the 5th and 6th, to the committee on the Judiciary; the 7th, to the committee on Privileges and Elections; and the 8th and 9th, to the committee on Propositions and Grievances.

1. Mr. Burnett presented the petition of Jarvis Cronny, a free man of color, praying for the passage of a law permitting him to reside in this State.

2. Mr. Rice presented the petition of John N. Richardson, praying for the passage of a law to release him from the penalty or prohibition of the sixth section of the act of 1809, regulating divorces in this Commonwealth.

3. Mr. Barlow presented the petition of Elisha Fortune, praying for the passage of a law to change the names of two illegitimate children, and to legitimate them so that they may inherit his estate.

Which petitions were received and referred; the 1st and 3d to the committee of Propositions and Grievances, and the 2d to the committee of Religion.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives of the following title, viz:

An act for the benefit of N. R. Harris and E. D. Solomon, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Guthrie, from the same committee, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act to reduce the number of Justices of the Peace of Ohio county.

An act for the benefit of H. B. Smith, Clerk of the Grant Circuit and County Courts.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill providing for the apprehension and detention of fugitives from justice from

other States, reported the same with an amendment—which was concurred in.

Ordered, That the Public Printer print 150 copies thereof for the use of the General Assembly; and the said bill was recommitted to the committee on the Judiciary.

Mr. Wickliffe moved to reconsider the vote by which said bill was ordered to be printed; and the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Guthrie, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Morgan, D.	Walker, C. J.	Wickliffe—4.
Murrell,		

Those who voted in the negative were—

Mr. Speaker,	Guthrie,	Pratt,
Anderson,	Hughes,	Rice,
Ballinger,	Huston,	Roberts,
Barlow,	James,	Schooling,
Bradshaw,	Jasper,	Slaughter,
Burnett,	Jesup,	Sterett,
Clarke,	Johnston,	Walker, J. V.
Davidson,	Morgan, J. S.	Weller,
De Courcy,	Payne,	Williams,
Dixon,	Pitts,	Wingate—31.
Ford,		

Mr. Guthrie, from the same committee, reported the following bills, viz:
A bill providing for the appointment of Commonwealth's Attorneys:

A bill providing that the estates of persons dying without heirs or distributees, shall vest in the Commonwealth, and for other purposes, which were read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the first bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The constitutional rule as to the second reading of the second bill being dispensed with, it was laid on the table, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Matthew Cook:

An act for the benefit of William Smith, of Harrison county, reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Rice, from the same committee, to whom was referred the petition of Joseph McGuire, and the petition of James Beatty, reported the following resolution thereon, viz :

Resolved, That the said petitions be rejected—which was concurred in.

Mr. Huston, from the committee of Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to establish an election precinct in the county of Daviess, and to change the place of voting in another, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Johnston, from the committee of Finance, to whom was referred bills from the House of Representatives of the following titles, viz :

An act to allow the Sheriff of Clinton county further time to return his delinquent list of militia fines :

An act for the benefit of Denton Geoghegan and Barton Roby, late Sheriffs of Hardin county, reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, viz :

By Mr. Huston, from the committee of Privileges and elections—A bill to establish an election precinct in the county of Monroe.

By Mr. Johnston, from the committee on Finance—A bill for the benefit of the late Sheriff of Washington county.

Which were read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Jesup, from the committee appointed for that purpose, reported a bill to repeal the law prohibiting the importation of slaves into this State, approved, February 2d, 1833—which was read the first time, and the ques-

tion being taken on reading the said bill a second time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Wingate were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	James,	Schooling,
Anderson,	Jasper,	Slaughter,
Barlow,	Jesup,	Sterett,
Bradshaw,	Murrell,	Walker, J. V.
Burnett,	Pitts,	Weller,
Dixon,	Pratt,	Wickliffe,
Ford,	Roberts,	Williams—22.
Hughes,		

Those who voted in the negative were—

Messrs. Ballinger,	Huston,	Payne,
Clarke,	Johnston,	Rice,
Davidson,	Morgan, D.	Walker, C. J.
De Courcy,	Morgan, J. S.	Wingate—13.
Guthrie,		

The constitutional rule as to the second reading of the said bill being dispensed with, it was referred to the committee on the Judiciary.

Leave was given to bring in the following bills, viz:

On the motion of Mr. De Courcy—1. A bill to amend an act to establish a system of Common Schools in the State of Kentucky, approved February 1839.

On the motion of Mr. Payne—2. A bill for the benefit of the Judge of the first Judicial District.

On the motion of Mr. Wickliffe—3. A bill to amend the several acts concerning the Sinking Fund, and for other purposes.

4. A bill to authorize a loan in aid of the public credit.

On the motion of Mr. Rice—5. A bill to amend the act, entitled, an act to incorporate a Turnpike Road Company from the Poplar Plains, in Fleming county, to Louisa, in Lawrence county.

Messrs. De Courcy, Payne and Burnett, were appointed a committee to prepare and bring in the 1st; Messrs. Payne, Rice and D. Morgan, the 2d; Messrs. Wickliffe, C. J. Walker and Pratt, the 3d and 4th; and the committee of Internal Improvement was directed to prepare and bring in the 5th.

On the motion of Mr. Wingate,

Resolved, That a standing committee of the Senate be appointed, to be called the committee on Agriculture.

Whereupon Messrs. Slaughter, J. S. Morgan, James V. Walker, Sterett, and Jesup, were appointed the said committee.

The Speaker laid before the Senate the report of Mr. John Lewis, who was appointed by a resolution of the last session, to obtain information in relation to Agricultural Schools. The said report is as follows, viz :

LLANGOLLEN, December 3, 1839.

*To the Honorable the Speaker of the Senate
of the Commonwealth of Kentucky :*

SIR :

In compliance with a resolution of the Senate, passed in February, 1839, in relation to the memorial of the Kentucky State Agricultural Society, praying the passage of a law establishing and endowing a school of Agriculture, I have the honor to make the following report, with the accompanying documents.

Very respectfully, sir, your obedient servant,
JOHN LEWIS.

REPORT.

Immediately after the adjournment of the last session of the legislature, in order, if possible, before the ensuing session, to receive the information desired by the Senate, I prepared the circular letter (Document No. 2,) and, through the post office, transmitted copies of it, accompanied by the report of the Committee of Education, (Document No. 1) to many distinguished Professors and Presidents of Agricultural Schools in Europe.

To insure their safe transmission, some of them were inclosed under cover to the Ambassadors of the United States at European Courts, with the request to forward them to the persons to whom they were addressed. Other copies were also inclosed, with the request that they might be directed and transmitted to the superintendants of any other Agricultural institutions, who might by them be thought willing to communicate the information contemplated by the resolution of the Senate. Other copies were also directed and transmitted to the Principals of Agricultural Schools, and to other individuals who had been educated at such schools, through the medium of the post offices, and the steam-ships now navigating the Atlantic, (see Document No. 9.)

To many of these letters no answers have, as yet, been received. But from the answers of Messrs. Muhlenburg, Stevenson, Merle, and Fleischmann, (Documents No. 6, 8, 7, 5,) it may be hoped the desired information will shortly be received.

The plan of an Agricultural institution was submitted to the Congress of the United States, on the 16th of April, 1838. That plan reduced in its dimensions to the wants and necessities of an individual State, would seem to embrace "the useful and practical information" in relation to many subjects connected with the organization of Schools of Agriculture. It is based upon the principles of the most successful schools of that kind in Europe, and embodies the theory and practice which experience has proved to be attended with the most beneficial results.

In the "application of science to practical husbandry" the principal department of the school is made to embrace instruction: *first*, in *Agronomy*,

which treats of the elementary constituents of soils, and is a branch of agricultural chemistry. *Secondly*, in chemical and mechanical agriculture, embracing *manures and their application, agricultural implements and their uses*. *Thirdly*, vegetable productions. *Fourthly*, animals used or reared for sale. *Fifthly*, farming economy, including the arrangements, rotations, labor and accounts; all these belong to the first department.

The second department should embrace agricultural engineering in all its details, applied to surveying, building, drawing, fencing, embankments, dams, planting orchards and trees.

The fourth department *Veterinary*.

The fifth, agricultural manufactures, of meal, flour, cider, sugar, lime, hemp, silk, &c.

The sixth, and last department, embraces the principal auxiliary sciences in Natural Philosophy and Natural History; Zoology, Entimology, Animal and Vegetable Chemistry, Geology, Mineralogy, Pneumatology, Mathematics, including Arithmetic and Drawing. And in order to combine the theoretical knowledge with practice, there must be a *farm* and implements, stock, workshops, machines, library, apparatus, *museum* containing mineral specimens, skeletons of animals, insects, seeds, &c.

A meeting of the north-west of Ireland Farming Society, at Londonderry, some years ago, organized an Agricultural School which has had a very beneficial influence on the agriculture of Ireland. In this institution seventy six pupils can be accommodated. The farm consists of only 165 statute acres. The pupils received are generally from 15 to 17 years of age. They are taught reading, writing, arithmetic, geography, book-keeping, surveying and other branches of Mathematics. This department is managed by a head-master and assistant. The agricultural departments are conducted by a head-farmer, a gardener and ploughman. A kitchen garden, and an ornamental garden, with plots for the grasses and the ploughland, are cultivated by the pupils, divided into two classes, to whom lectures are also delivered several times a week, on the theory of agriculture. While one class is one part of the day working on the farm the other class is in the school rooms, and then this class is replaced by the other. They are made acquainted with the properties of different soils, the manures most applicable, and the crops best adapted, to each. They are also made acquainted with the varieties of cattle and their qualities, and have strongly impressed upon them that one of the most essential points in farming, is to select the cattle and the crops best adapted to the situation and soil. The stables, harness, rooms, cow-houses, winter feeding houses, piggeries, barn, tool-houses, &c. are kept in the best order by the pupils. A matron has charge of the dairy, cooking, cleaning the house, and of the domestic servants.

No pupil can be sent without a nomination by a shareholder, or from one who subscribes £2 annually, and the annual payment by each pupil is £10. For this sum they are found in board, lodging and washing, and are so educated as to fit them for land stewards, directing agents, surveyors, school-masters, clerks, and practical farmers. Three years are sufficient to qualify for these stations, those students who had previously learned to read and write.

In April an agricultural meeting was held in the county of Kent, in England, the object of which was to provide means for establishing an agricultural college in that county. The plan proposed was to raise \$67,000, in

shares of about \$45 each; to purchase 8 or 10 acres of land for the erection of buildings for three or four hundred pupils; to take a contiguous farm of 600 acres on a long lease, and stocked for experiments and the practical operations of the college; to employ nine teachers and other officers; to board and educate young men at \$112, each, per annum. It was estimated that after paying the professors and officers, the rent of the farm, and the contingent expenses, there would be an annual surplus of about \$2,000.

Of the details of the organization of the Prussian school of agriculture, on the Oder, of which the distinguished Von Thaer was so long the principal, no authentic account has been received; nor have we even any English translation of his celebrated work on the "Principles of Rational Husbandry."

And we know nothing more of the institution at Roville, in France, or of Mons. Fellenberg, in Switzerland, than that they have educated a great number of young men, who are in great demand to conduct the domains of princes, and the first estates on the continent.

In the year 1836 the Legislature of New York passed an act to incorporate the "New York State Agricultural School," with a capital of \$100,000, and the liberty of increasing it to \$200,000, for the purposes of instruction in literature and science, and improvement in scientific and practical agriculture, and the mechanic arts. The prominent provisions in the act of incorporation are—concerns to be managed by a board of trustees, annually chosen by the stockholders, of which board the Governor and Lieutenant Governor of the State always to be members. A farm of about 500 acres to be purchased; dividends, on the stock paid in, not to exceed five per cent. per annum; the professors, teachers and pupils, to be occupied one half of the time, between the months of March and December, either in practical agricultural business, or in the laboratory or mechanical shops connected with said school. This charter became void by nonuser. At the session before the last the act of incorporation was renewed, but I am not informed whether the subscription has been filled.

It will be perceived that in the plans of agricultural institutions, both in Europe and in this country, instruction is not confined to an *agricultural department*. The reasons for an academical department, and for instruction of a wider and more liberal range, apply with greater force here than in Europe.

The number of persons necessary to manage, and carry out to its best results, institutions of this kind, on the most economical plan, can be best ascertained from actual inspection of the operations of such schools. It must therefore be deemed most prudent and safe, if such an institution shall be created, during the preparatory arrangements, and before the establishment of the professorships or other divisions of labor in the institution, to despatch a competent person to Europe, for the purpose of examining into all the economical details and divisions of labor, who might also select apparatus, books, &c. and experienced persons whose actual practical knowledge and skill, in regard to such institutions, might save us, in their organization and first movements, much time and expense, and place us at once on sure, stable, and tried ground. This is conceived to be the more important, as the proper division of labor, and its successful application cannot be economically made in any business, especially of a new and untried nature, without an *intimate knowledge of its details*. Many results in the arts and

in education, are worked out in Europe at much less expense, and in greater perfection, than with us, from a better division of labor and more efficient practical arrangements. The number of students, also, at such institutions, with given resources, can only be determined by actual experience—we have not that experience—but it is manifest the number must bear a certain ratio, not only to that of the instructors, but also to the amount of labor required on the farm, in the work-shops, &c. in order to a successful and profitable employment of their labor during a given number of hours per day. And if supernumeraries, who do not work on the farm, are admitted, the amount which they should pay, ought to be the smallest sum consistent with justice to the institution, and which would have no tendency to abstract those who are disposed to labor and who engage to do so. Because the object of such institutions ought to be, not only to form able agriculturists and agricultural mechanics, but to diffuse as widely as possible the spirit of improvement.

In consequence of the greater division and consequent greater cheapness of labor in Europe, in literary institutions, as well as in the arts that minister to the comforts of men, and because of the different character of our population and political institutions, we are under the necessity, not only of assigning to each professor in our schools, a greater variety and diversity of duties, but of introducing into schools of every grade and kind, a greater variety of studies. For our object is not to make *artists* only. Therefore, in schools of agriculture, the most useful of all arts, we cannot lose sight of those principles of general instruction which tend to form *enlightened citizens* of a republican government, capable of discharging with ability all the duties of their high station. Hence arises the greater necessity in this country, even in schools of agriculture, for an academical department, embracing a wide literary scope. It is true that arithmetic and other branches of exact science, together with drawing, are taught in European schools of agriculture. But then they are, it is understood, the mere auxiliaries of agricultural instruction. Here not only these, but belles lettres, political economy, the principles of government and the modern languages, are of great utility to all classes, and therefore should not be withheld, but extended to all so far as it is possible. In an especial degree is it important that those who devote their energies to the cultivation of the soil, holding in their hands not only the plough but the *sceptre*, should be moral enlightened men.

In concluding this report, I beg leave to refer to documents 3 and 4, mentioned in Mr. Fleischmann's letter. They not only advert to the numerous beneficial results of agricultural institutions, (which it would be irrelevant here to introduce,) but contain many details of their organization.

JOHN LEWIS.

Ordered, That the said report and the accompanying documents, be referred to the committee on Agriculture.

Mr. Wickliffe read and laid on the table the following resolution, viz:

Resolved, That the Second Auditor certify, for the information of the Senate, the number of idiots supported by the Treasury in each county, and the number of lunatics so supported out of the Lunatic Asylum, stating specially the number of each in every county, and the amount allowed and paid in each case.

An engrossed bill, entitled, an act to legalize the proceedings of the Court of Assessment of the 110th Regiment of Kentucky Militia, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

TUESDAY, DECEMBER 10, 1839.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to change the place of voting in the Robertson precinct, in Hart county.
2. An act for the benefit of John Barnes, of Pulaski county.
3. An act to amend the laws in relation to taking depositions of non-resident witnesses.
4. An act to authorize the sale of Mount Zion Meeting House, in Clarke county, for the benefit of the Methodist Episcopal Church.
5. An act for the benefit of Dicey Powell.
6. An act for the benefit of Jesse Hines.
7. An act for the benefit of Martha French.
8. An act for the benefit of Pierre Theodore Cuvillier.
9. An act for the benefit of John J. Garth, deputy Sheriff of Wayne county.
10. An act to amend an act, entitled, an act to establish a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.
11. An act for the benefit of Jeffersontown, in Jefferson county.
12. An act to revive an act establishing Libraries in Rockcastle and Laurel counties.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred; the 1st, to the committee of Privileges and Elections; the 2d and 9th, to the committee of Finance; the 3rd, 4th, and 11th, to the committee on the Judiciary; the 5th, 6th, 7th, and 8th, to the committee on Religion; the 10th, to the committee of Internal Improvement; and the 12th to the committee on Education.

Mr. Johnston presented the petition of John Rankin, praying for compensation for keeping a convict who escaped from the Penitentiary—which was received and referred to the committee of Finance.

The following bills were reported, viz:

By Mr. Guthrie, from the committee on the Judiciary—1. A bill to amend an act providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of jurors, approved February 15th, 1838, and for other purposes.

2. A bill to amend an act, entitled, an act regulating injunctions and other restraining orders in chancery suits, and for other purposes, approved January 24th, 1827.

3. A bill further to amend the laws against usury.

By Mr. Wicklike, from the committee appointed for that purpose—4. A bill to establish the Lexington Cemetery.

5. A bill to authorize a loan in aid of the public credit, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 3d were laid on the table, and the Public Printer directed to print 150 copies thereof for the use of the General Assembly; the 2d was ordered to be engrossed and read a third time; the 4th was amended and referred to the committee on the Judiciary; and the 5th, to the committee of Finance.

Mr. Guthrie, from the committee of Courts of Justice, to whom was referred the petition of the executors and adult heirs of N. S. Dallam, dec'd, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Barlow, from the joint committee of Enrollments, reported that the committee had examined enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the infant children of John H. Bell, deceased.

An act to change the time of holding the December County Court of Lawrence, in the year 1839, and for other purposes.

An act to amend an act, entitled, an act to incorporate the Shelbyville Fire, Marine and Life Insurance Company.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time, Mr. Barlow reported that the committee had performed that duty.

Mr. Rice, from the committee of Propositions and Grievances, to whom

was referred a bill from the House of Representatives, entitled, an act to establish the county line between Floyd and Morgan, reported the same with amendments—which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Dixon read and laid on the table the following resolutions, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the President of the Board of Internal Improvement be required to lay before the Legislature a Report, showing what amount of money, if any, has been expended by the State on Turnpike Roads, in the counties South of Green River; the amount, if any, expended by the State, upon Turnpike Roads, in the counties North of Green River and South of the Kentucky River; and the amount, if any, which has been expended by the State upon Turnpike Roads, in the counties North of the Kentucky River.

Resolved, further, That the Auditor of Public Accounts be required to report the amount of money, if any, expended upon Turnpike Roads, in the counties South of Green River; the amount, if any, in the counties North of Green River and South of the Kentucky; and the amount, if any, North of the Kentucky River, exclusive of the amount expended by the Board of Internal Improvement.

Resolved, further, That they also set forth and report the names of the counties in each of the said divisions of the State, through which such roads may run, and the amount of money expended in each county upon them.

On the motion of Mr. Pitts,

WHEREAS, it is apparent that some step is necessary to be taken to save the credit of the State, and to raise funds sufficient to carry on a system of Internal Improvement, or even to finish the work now under contract and begun—Therefore, it is

Resolved, That the committee on Internal Improvement enquire into the propriety of dispensing with the services of a portion of the Engineers, and reducing the salaries of the others to a rateable compensation, in proportion to the duties required; and also into the necessity of raising, by taxation, an amount sufficient to extinguish the yearly liabilities which may be incurred by legislative enactment; and to confine the operations of the Board of Internal Improvement, and the distribution of funds under their charge, to specific objects, authorized by law.

The resolution, offered by Mr. Wickliffe on yesterday, requiring the Second Auditor to report to the Senate the number of idiots in each county, and the amount paid for their support, &c., was taken up and adopted.

A bill from the House of Representatives, entitled, an act for the benefit of N. R. Harris and E. D. Solomon, was read the third time, as amended.

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

The Speaker laid before the Senate a communication from the Secretary

of State, enclosing reports of the monthly settlements of the Auditor and Treasury; and the monthly statements of the Bank of Kentucky, Northern Bank of Kentucky, and the Louisville Savings' Institution.

On the motion of Mr. De Courcy, leave was given to bring in a bill to amend the law offering a reward for the discovery of the true cause of the disease called the Milk Sickness, and Messrs. De Courcy, Burnett, and Tomlinson, were appointed a committee to prepare and bring in the same.

Mr. Barlow presented the petition of John Hamilton, representing his sanguine belief that he has discovered the true cause of the disease called the Milk Sickness, and praying for the passage of a law to have his discovery tested, that he may get the reward heretofore offered, which was received and referred to the committee appointed to prepare and bring in the last named bill.

A message, in writing, was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT,
10th December, 1839. }

Gentlemen of the Senate:

I nominate for your approval, William B. Farman, to be Notary Public for the county of Green.

C. A. WICKLIFFE.

Resolved, That the Senate advise and consent to the said appointment.
And then the Senate adjourned.

WEDNESDAY, DECEMBER 11, 1839.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz:

An act to change the name of David Benson Davis to that of David Benson Rice.

An act to legalize the proceedings of the Court of Assessment for the 110th Regiment of Kentucky Militia.

An act providing for the appointment of Commonwealth's Attorneys.

An act to establish an election precinct in the county of Monroe.

And that they had passed bills of the following titles, viz:

An act to amend an act, entitled, an act to change the present mode of summoning jurors in this Commonwealth, and to provide for their compensation.

An act repealing the law declaring the Beech Fork navigable above Ray's mill.

An act for the benefit of John B. Cloud.

An act for the benefit of George W. Carter.

An act for the benefit of Quintus C. Shanks.

Mr. Huston presented the petition of sundry citizens of Taylorsville, praying that a law may pass authorizing M. B. Shelburne, to close a part of an alley in said town, which was received and referred to the committee of Propositions and Grievances.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Denton Geoghegan and Barton Roby, late Sheriffs of Hardin county.

An act to reduce the number of Justices of the Peace of Ohio county.

An act for the benefit of Matthew Cook.

An act for the benefit of H. B. Smith, Clerk of the Grant Circuit and County Courts.

An act for the benefit of William Smith, of Harrison county.

An act to establish an election precinct in the county of Daviess, and to change the place of voting in another.

An act to allow the Sheriff of Clinton county further time to return his delinquent list of militia fines.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to authorize the sale of Mount Zion Meeting House, in Clarke county, for the benefit of the Methodist Episcopal Church.

An act for the benefit of Jeffersontown, in Jefferson county, reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Huston, from the committee of Privileges and Elections, to whom was referred bills from the House of Representatives of the following titles, viz :

An act to change the place of voting in the Robertson precinct, in Hart county.

An act to change the place of voting in the Chapel Precinct, in Clay county, reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Wingate, from the committee of Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Pierre Theodore Cuvillier, reported the same with the opinion of the committee that it ought not to pass.

The said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Pierre Theodore Cuvillier be, and he is hereby, absolved from all matrimonial obligations consequent upon his intermarriage with Margaret Booth, alias Margaret Henry; and that said Pierre Theodore is hereby restored to all the rights and privileges of an unmarried man.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Guthrie, and D. Morgan, were as follows, viz :

Those who voted in the affirmative were—

Messrs. De Courcy,	James,	Schooling,
Dixon,	Jasper,	Slaughter,
Ford,	Jesup,	Walker, J. V.
Hughes,	Pratt,	Williams—14.
Huston,	Roberts,	

Those who voted in the negative were—

Mr. Speaker,	Guthrie,	Rice,
Anderson,	Johnston,	Sterett,
Ballinger,	Morgan, D.	Wallace,
Barlow,	Morgan, J. S.	Walker, C. J.
Bradshaw,	Murrell,	Weller,
Burnett,	Payne,	Wickliffe,
Clarke,	Pitts,	Wingate—22.
Davidson,		

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Jesse Hines, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Eleanor Jones, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Johnston, from the committee of Finance, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of John J. Garth, deputy Sheriff of Wayne county.

An act for the benefit of John Barnes, of Pulaski county, reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Johnston, from the same committee, to whom was referred a bill to authorize a loan in aid of the public credit, and for other purposes, reported the same with an amendment.

Mr. Dixon moved to lay the said bill and amendment on the table, and that the Public Printer print 150 copies of the same for the use of the General Assembly.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Jasper and James, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Dixon,	Schooling,
Anderson,	Guthrie,	Slaughter,
Ballinger,	Huston,	Sterett,
Barlow,	James,	Wallace,
Bradshaw,	Jasper,	Walker, J. V.
Burnett,	Jesup,	Williams—20,
De Courcy,	Rice,	

Those who voted in the negative were—

Messrs. Clarke,	Johnston,	Pitts,
Davidson,	Morgan, J. S.	Roberts,
Ford,	Murrell,	Walker, C. J.
Hughes,	Payne,	Wickliffe—12.

The following bills were reported, viz:

By Mr. Guthrie, from the committee on the Judiciary—1. A bill for the benefit of the infant children of Morgan Hopson.

By Mr. Rice, from the committee on Propositions and Grievances—2. A bill for the benefit of James V. Fortune and George M. Fortune.

By Mr. Johnston, from the committee of Finance—3. A bill to change the form of the Commissioners' books of taxable property, and to regulate the duties of Commissioners of tax and other officers in relation to the same.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st and 2d were ordered to be engrossed and read a third time; and the 3d was laid on the table, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

The resolutions, read and laid on the table by Mr. Dixon on yesterday, requiring the President of the Board of Internal Improvement, and the Auditor of Public Accounts to report to the Senate the amount of money expended on turnpike roads in the different sections of the State, were taken up, read and amended, and then laid on the table.

The Speaker laid before the Senate the annual statement of the Agent of the Old Bank of Kentucky, which is as follows, viz.

(OLD) BANK OF KENTUCKY,
December 9th, 1839. }

Hon. SAMUEL HANSON,

Speaker of the Senate:

SIR:—The annual statement of the situation of this institution on the 5th inst. is herewith inclosed.

Six dollars of the notes in circulation have been presented and paid during the present year, making only twelve dollars in the two last years, and which have been burnt in the presence of the Auditor and Treasurer.

I have paid over to the Treasurer of the State, since the last session of the Legislature, the sum of \$5,967, and to the individual stockholders the sum of \$9,105, making \$15,072, being a dividend of one per cent. on the capital stock.

Since the commencement of my agency in 1836, I have paid into the public Treasury the sum of \$26,851, and have paid and am paying to the individual stockholders the sum of \$41,239, making \$68,090. These several payments to the State exceed the amount by \$6,786 50 which the late President and Cashier at the session of 1834-'5 supposed would be realized by the State.

My collections during the next year, I expect, will enable me to pay into the public Treasury the further sum of \$4,000 to \$6,000.

Debts have been collected the present year which had been considered entirely insolvent, and others secured which will be paid during the next year

It is not probable that the State will realize for her remaining interest in the institution more than \$6,000.

Very respectfully,

H. BLANTON, *Agent*.

Statement of the situation of the (Old) Bank of Kentucky, Dec. 5, 1839.

Notes issued,	-	-	-	-	\$30,466 64
Surplus profits,	-	-	-	-	252,265 88
Current profits,	-	-	-	-	4,799 90
Stock,	-	-	-	-	195,181 00
Due to individuals,	-	-	-	-	53,242 99
Due to other Banks,	-	-	-	-	1,295 78

\$537,252 19

Current expenses,	-	-	-	-	1,146 91
Real estate,	-	-	-	-	130,158 81
Loss on real estate,	-	-	-	-	56,515 40
Defalcation at Branches,	-	-	-	-	20,158 57
Due from individuals,	-	-	-	-	307,408 61
Cash on hand and in Banks,	-	-	-	-	21,863 89

\$537,252 19

H. BLANTON, *Agent*.

The Speaker laid before the Senate the report of the Second Auditor, made in compliance of a resolution of the Senate, adopted on yesterday, containing a list of the idiots and lunatics supported by the State, and showing the number in each county, and the amount allowed per annum for their support.

Mr. Wickliffe, with the leave of the Senate, reported a bill for the relief of the Northern Bank of Kentucky, which was read the first time, and ordered to be read a second time.

The rule of the Senate as to the second reading being dispensed with, the said bill was amended and referred to the committee on the Judiciary.

Mr. Murrell read and laid on the table a joint resolution, fixing a day for the election of Public Officers.

And then the Senate adjourned.

THURSDAY, DECEMBER 12, 1839.

A message was received from the House of Representatives announcing that they had adopted a resolution requiring the committee on Banks to visit the Banks and examine the officers personally.

And that they had passed a bill to incorporate the Literary Institution of St. Magdalen, in Washington county.

1. Mr. James presented the petition of the central Board of Internal Improvements west of the Tennessee river, praying that the law in relation to the lands in that district may be amended so as to retain the land office books there, and to authorize the entry of vacant lands.

2. Mr. Bradshaw presented the petition of sundry citizens of Russell county, praying that the number of Justices of the Peace in said county may be reduced.

3. Mr. Murrell presented the petition of sundry citizens of the town of Glasgow praying for a reduction of their town tax.

Which petitions were received and referred; the 1st and 2d to the committee on the Judiciary, and the third to the committee of Propositions and Grievances.

Mr. Clarke, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled an act to revive an act establishing Libraries in Rockcastle and Laurel counties, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Weller, from the committee appointed for that purpose, reported a bill to amend the law in relation to garnishee, by increasing the jurisdiction of Magistrates in such cases, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, it was referred to the committee on the Judiciary.

Mr. Wingate, from the committee appointed for that purpose, reported a bill to fix the ratio and apportion the representation for the ensuing four years, which was read the first time.

The question being taken on reading said bill a second time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Guthrie and Wickliffe, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	James,	Roberts,
Ballinger,	Jesup,	Slaughter,
Bradshaw,	Johnston,	Sterett,
Clarke,	Morgan, D.	Walker, C. J.
Davidson,	Morgan, J. S.	Walker, J. V.
Dixon,	Murrell,	Weller,
Ford,	Payne,	Wickliffe—23.
Huston,	Pitts,	

Those who voted in the negative were—

Messrs. Anderson,	Hughes,	Tomlinson,
Barlow,	Jasper,	Wallace,
Burnett,	Pratt,	Williams,
De Courcy,	Rice,	Wingate—14.
Guthrie,	Schooling,	

Mr. Wickliffe read and laid on the table the following resolutions, viz:

Resolved, That the Mayor of the city of Louisville, as soon as practicable, cause to be furnished to the Senate full, true and faithful transcripts from the records of his office, copies of all orders and papers relative to the Lexington and Ohio Railroad, and the names of each member of the Council at the time every such order was made.

Resolved, That the Secretary of the Senate transmit a copy of the above resolution to the Mayor of the city of Louisville.

Mr. Wickliffe read and laid on the table the following resolutions, viz:

Resolved, That the President of the Lexington and Ohio Railroad, on oath, answer (for the use of the Senate) the following interrogatories, to wit:

1. What is the distance and course from where the track for the said Railroad leaves the Middletown and Louisville road, crossing Beargrass, to Jefferson street?

2. What is the elevation from the departure from the Middletown and Louisville road, aforesaid, to Jefferson street?

3. What is the depth and length of the cuts, from said point, to the bridge across Beargrass?

4. What is the length and height of the fill, or fills, necessary to cross Beargrass?

5. What is the height or elevation of the bridge across Beargrass?

6. What has been expended, and what more or further sum will be required to overcome the elevation and complete the bridge and road into Jefferson street?

7. Through whose lands does the said road pass from the Louisville and Middletown road into Jefferson street?

8. What is the distance from where the Railroad enters Jefferson street, pursuing that street to its terminus, thence to Portland?

9. What is the distance from the same point to 6th street, thence to Main street, thence to Portland, the proposed way for the road?

10. What salaries, and to whom paid, are, and have been allowed under the new charter?

11. What has become of the books, papers and personal property of the company?

12. What contracts has he made, committing the company, and to what amount has he committed the company, and for what objects?

13. Has he aliened or mortgaged to the city of Louisville the said Railroad and its personal property, or any part of it, and for what consideration, and by what authority; and to file the mortgage or deed with his answer?

14. How much cash and personal property, or debts and credits, belonging to the company, hath he received?

15. To what uses and purposes hath he applied the locomotives belonging to the company, and where are they at this time?

16. That he state what amount hath been paid for stock by the city of Louisville, and to what amount is the said city a stockholder?

17. That he state to what amount are the citizens of Louisville stockholders, and how much have they paid, at what times hath the city and Louisville stockholders made payments?

18. What amount has he received as toll or otherwise from the said road?

19. Has he leased or let said road, or any part of it; if yes, then state the terms, to whom let, and file a copy of the lease?

20. By what means or process is it contemplated to reach the Ohio river from Main street, in Louisville, and from the terminus at Portland?

Resolved, That the Secretary of the Senate transmit the foregoing resolution and interrogatories, or copies thereof, to Levi Tyler, Esq., President of the Lexington and Ohio Railroad Company, and request his response as soon as practicable.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Hughes—1. A bill to direct the sale of a seminary lot and building in the county of Henry.

On the motion of Mr. Murrell—2. A bill to regulate Clerks' fees in certain cases.

On the motion of Mr. Wickliffe—3. A bill to regulate charitable uses, and to prohibit grants in mortmain, and for other purposes.

4. A bill to incorporate the Lexington Female Academy.

Messrs. Hughes, Johnston and Ford, were appointed a committee to prepare and bring in the 1st; Messrs. Murrell, Ford and Barlow, the 2d; Messrs. Wickliffe, Ballinger and Dixon, the 3d; and Messrs. Wickliffe, Payne and Tomlinson, the 4th.

Mr. Wickliffe read and laid on the table the following resolutions, viz:

Resolved, That the Bank of Kentucky answer to the following interrogatories, and verify its answer by either her President or Cashier:

1. What sum does each of one hundred of your largest debtors owe the mother Bank and its branches? State specially, beginning with No. 1 and extending to 100, placing the amount due from each debtor, to be so designated by figures, not naming them?

2. What amount does each of the Banking institutions, at Louisville, owe the mother Bank and Branches of the Bank of Kentucky? State specially the debt due from each?

3. What amount does the Northern Bank of Kentucky and its Branches owe the mother Bank of Kentucky and its Branches?

4. What amount is due by the city of Louisville, as a city or corporation, directly and indirectly to the Bank of Kentucky and her Branches?

5. What amounts are due from the other towns, and the citizens of cities or towns, where she has Branches located? To each Branch state such indebtedness separately?

6. What was the average amount of gold and silver in the mother Bank for ten days preceeding the time of her last suspension of specie payments, exclusive deposits?

7. What is the amount of gold and silver at this time in the mother Bank and each Branch? State specially the amount in each, exclusive of deposits?

8. What amount is due to the Bank of Kentucky, separately, and to each Branch by the citizens of Louisville? State as nearly as this indebtedness can be ascertained from the evidence within your power? What is due to the Bank from the city of Lexington and its citizens? State separately what the city, as such, owes?

That the Bank of Louisville, verified by the oath of its President or Cashier, answer the following interrogatories:

1. What sum is due to the Bank of Louisville from the several Banking institutions located in the city; the Northern Bank and the Banking institutions situated elsewhere in the State? Set out each debt separately?

2. What is due from one hundred of the highest debtors to the Bank of Louisville, beginning at figure 1 and extending to 100? State each ones indebtedness opposite to his figure, without naming the debtor?

3. State the indebtedness of the city of Louisville, as a city, to the Bank of Louisville?

4. State the amount of indebtedness of the citizens of Louisville as nearly as practicable to the Bank?

5. State the average amount of gold and silver in said Bank for ten days next preceeding its present suspension, exclusive of deposits?

6. State the amount of gold and silver now in the Bank, exclusive of deposits?

That the Louisville Gass Light Bank answer, on the oath of its President or Cashier, the following questions:

1. What is the amount of capital of said Bank actually paid in? How much gold and silver has it, exclusive of deposits?

2. Of what does its capital stock consist? What part of the said capital has been paid by corporations, and what by individuals, and how paid?

3. On what capital or fund did it commence operation, and how was such fund or capital acquired? State specially and precisely?

4. What is its present indebtedness, state precisely, and what its means of payment?

5. To what amount is the Bank indebted to other Banks, or individuals, or coporations, for money borrowed?

That the Northern Bank of Kentucky, by its President or Cashier, answer, on oath, the following questions:

1. What is the amount due from one hundred of your highest

State specially from figure 1 to 100 the indebtedness of each debtor opposite to his appropriate figure, without naming the debtor?

2. What is the indebtedness of the city of Lexington, as a city, to the Northern Bank and its Branches?

3. What is the indebtedness of the citizens of Lexington to the mother Bank and Branches? State as nearly as you can ascertain.

4. What is the indebtedness of the Bank of Kentucky and its Branches to the Northern Bank and its Branches? State the indebtedness of each?

5. What is the indebtedness of the city of Louisville to the Northern Bank and its Branches?

6. What the indebtedness of the citizens of Louisville to the Northern Bank and its Branches?

7. What the indebtedness of the other towns; as such, and the citizens of such towns, where said Bank has located Branches, to the Branches respectively? State separately the debt of each town and its citizens?

8. What was the average of gold and silver of the Bank for ten days previous to its suspension, exclusive of deposits?

9. What is the amount of gold and silver now, exclusive of deposits?

Resolved further, That the Presidents of said institutions forward to the Senate answers to the foregoing interrogatories, at as early a day as practicable; and that, to enable them to do so, the Secretary of the Senate be directed to transmit to each of the Presidents, aforesaid, copies of each and all of said interrogatories, and of these resolutions.

Mr. Tomlinson read and laid on the table the following resolution, viz:

Resolved, That so much of the Auditor's report, contained in statement No. 2, as refers to requisitions of the Board of Internal Improvement for sundry services rendered, and for various articles furnished, to aid in the prosecution of works of improvement, &c., is indefinite and not sufficiently explicit, embracing an expenditure of \$361,140 57; therefore the Auditor is requested to furnish all and each of the items embraced in the above amount of \$361,140 57.

The report of the Second Auditor, received on yesterday, in relation to idiots and lunatics supported by the State, was referred to the committee of Finance.

The following bills were taken up and placed in the orders of the day, viz:

A bill authorizing a loan in aid of the public credit, and for other purposes.

A bill to change the form of the Commissioners' Books of taxable property, and to regulate the duties of Commissioners of tax, and other officers, in relation to the same.

A bill providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes.

The resolution fixing a day for the election of public officers, read and laid on the table by Mr. Murrell on yesterday, was taken up and adopted, as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on Friday the 13th day of December, 1839, by a joint vote of both Houses, proceed to elect a Treasurer, Public Printer, Librarian, and President and Directors of the Bank of the Commonwealth, for the year 1840.

Engrossed bills of the following titles were severally read a third time, viz:

An act to amend an act entitled, an act regulating injunctions and other restraining orders in chancery suits, and for other purposes, approved January 24, 1827.

An act for the benefit of the infant children of Morgan Hopson.

An act for the benefit of James V. Fortune and George M. Fortune.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

1. An act to amend an act entitled, an act to change the present mode of summoning jurors in this Commonwealth, and to provide for their compensation.

2. An act repealing the law declaring the Beech Fork navigable above Ray's mill.

3. An act for the benefit of John B. Cloud.

4. An act for the benefit of George W. Carter.

5. An act to incorporate the Literary Institution of St. Magdalen, in Washington county.

Were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bills were referred; the 1st, 4th, and 5th, to the committee on the Judiciary; the 2d, to the committee of Internal Improvement; and the 3d, to the committee on Military Affairs.

A bill from the House of Representatives, entitled, and act for the benefit of Quintus C. Shanks, was read the first time.

The question being taken on reading the said bill a second time, it was decided in the negative, and so the said bill was disagreed to.

A resolution from the House of Representatives requiring the committee on Banks to visit the Banks and examine the officers, personally, was twice read.

Mr. Wickliffe moved to lay the said resolution on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and D. Morgan, were as follows, viz:

Those who voted in the affirmative were—

MESSRS. Clarke,
Dixon,

Pitts,
Schooling,

Walker, C. J.
Walker, J. V.

Huston,
James,
Morgan, D.

Slaughter,
Sterett,
Tomlinson,

Weller,
Wickliffe—14.

Those who voted in the negative were—

Mr. Speaker,
Anderson,
Ballinger,
Barlow,
Bradshaw,
Burnett,
Davidson,
De Courcy,

Ford,
Guthrie,
Hughes,
Jasper,
Jesup,
Johnston,
Murrell,

Payne,
Pratt,
Rice,
Roberts,
Wallace,
Williams,
Wingate—22.

The said resolution was concurred in.

The report of the Agent of the Old Bank of Kentucky, was taken up and referred to the committee of Finance.

The Speaker laid before the Senate the annual report of the Public Librarian, which is as follows, viz:

LIBRARY ROOM,
FRANKFORT, December 12th, 1839. }

SIR:

You will please lay before the Honorable House over which you preside, the accompanying report, which contains all the books received and purchased for the Public Library, for 1839.

Yours, respectfully,

G. A. ROBERTSON, P. L.

HON. JOHN L. HELM,

Speaker of the House of Representatives.

A Catalogue of Books received in the Public Library, from the Secretary of State, in 1839.

House Journals of Kentucky,	No. 6,000 to 6,024	-	25 vols.
Senate do. do.	6,025 to 6,049	-	25
Reports of Kentucky,	5,200 to 5,219	-	20
Acts of Congress,	6,050 to 6,061	-	12
Dana's Reports,	6,062 to 6,091	30	
Credit by 10 copies 6th vol. 1838, balance,		10—	20
Public Lands,	No. 5,894½	-	1
Laws of Ohio,	4,430	-	1
Laws of Maine,	4,392	-	1
Laws of New York,	4,263	-	1
Laws of Maryland,	4,376	-	1
Laws of Connecticut,	4,401	-	1
Laws of Massachusetts,	4,345	-	1
Agricultural Report of Massachusetts,	4,346	-	1
Public instruction and Governor's report of Michigan,	4,491	-	1
Laws of Missouri,	4,478	-	1

Laws of New Jersey,	- - -	4,375	- - -	1
Laws of Rhode Island,	- - -	4,411	- - -	1
Laws of Louisiana,	- - -	4,571	- - -	1

Books purchased for the State Library, in 1839.

1 copy Bradford's Comprehensive Atlas, No. 6,109	1 vol.	\$12 00
4 copies National Portraits, - - -	6,014	1 15 00
5 copies Say's Political Economy, - - -	6,092 to 6,096	5 11 25
1 copy Spark's Life & Writings of Washington, - - -	6,097 to 6,108	12 30 00
		<hr/> \$68 25 <hr/>

The Judges of the Court of Appeals have purchased, I suppose, \$1,000 worth of books. I have not received the bill and cannot report the amount expended, and do not know whether I have received all the books they purchased or not.

All of which is respectfully submitted to your consideration.

G. A. ROBERTSON, *P. L.*

On the motion of Mr. Payne, a message was sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate, to a bill from that House, entitled, an act for the benefit of Pierre Theodore Cuvillier.

The said bill being returned to the Senate, Mr. Payne moved to reconsider the vote by which the said bill was disagreed to.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wingate and Davidson, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Huston,	Roberts,
Anderson,	James,	Schooling,
Barlow,	Jasper,	Slaughter,
Bradshaw,	Jesup,	Tomlinson,
Burnett,	Johnston,	Wallace,
De Courcy,	Morgan, J. S.	Walker, C. J.
Dixon,	Payne,	Walker, J. V.
Ford,	Pitts,	Williams—26.
Hughes,	Pratt,	

Those who voted in the negative were—

Messrs. Ballinger,	Morgan, D.	Weller,
Clarke,	Murrell,	Wickliffe,
Davidson,	Rice,	Wingate—11.
Guthrie,	Sterett,	

And then the Senate adjourned.

FRIDAY, DECEMBER 13, 1839.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, to wit:

An act to establish the county line between Floyd and Morgan.

An act for the benefit of N. R. Harris and E. D. Solomon.

And that they had passed a bill which originated in the Senate, of the following title, viz:

An act for the benefit of the Jailer of Nicholas county.

That they had concurred in a resolution from the Senate fixing a day for the election of public officers, with an amendment.

And that they had passed bills of the following titles, viz:

An act for the benefit of America Pearson.

An act for the benefit of Joshua Holsclaw.

An act for the benefit of Cornelius Snider.

An act for the benefit of Johanna Stewart.

An act for the benefit of Harriet Wilkerson.

An act for the benefit of John Shaw, David L. Gregg and Joseph Le-compte.

An act for the benefit of Richard W. McQuoun.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of George W. Carter.

An act to amend an act, entitled, an act to change the present mode of summoning jurors in this Commonwealth, and to provide for their compensation, reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Rice, from the committee of Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William Willburn, reported the same without amendment.

The said bill was referred to the committee of Internal Improvements.

Mr. Rice, from the same committee, to whom was referred the petition of Jarvis Cronny, a free man of color, praying for the passage of a law permitting him to reside in this State, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

The question being taken on concurring in the said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rice and Ballinger, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hughes,	Rice,
Anderson,	Huston,	Schooling,
Ballinger,	Jesup,	Sterett,
Barlow,	Johnston,	Tomlinson,
Bradshaw,	Morgan D.	Wallace,
Clarke,	Morgan, J. S.	Walker, C. J.
Davidson,	Murrell,	Walker, J. V.
De Courcy,	Payne,	Weller,
Ford,	Pitts,	Williams,
Guthrie,	Pratt,	Wingate—30.

Those who voted in the negative were—

Messrs. Burnett,	Roberts,	Wickliffe—4.
Dixon,		

Mr. Barlow, from the joint committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Jeffersontown, in Jefferson county.

An act for the benefit of John J. Garth, deputy Sheriff of Wayne county.

An act to change the place of voting in the Chapel Precinct, in Clay county.

An act to change the place of voting in the Robertson precinct, in Hart county.

An act for the benefit of Eleanor Jones.

An act to authorize the sale of Mount Zion Meeting House, in Clarke county, for the benefit of the Methodist Episcopal Church.

An act for the benefit of John Barnes, of Pulaski county.

And that they had examined enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act to change the name of David Benson Davis to that of David Benson Rice.

An act providing for the appointment of Commonwealth's Attorneys.

An act to establish an election precinct in the county of Monroe.

An act to legalize the proceedings of the Court of Assessment for the 110th Regiment of Kentucky Militia.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time, Mr. Barlow reported that the committee had performed that duty.

Mr. Wingate, from the committee of Religion, to whom was referred the petition of John N. Richardson, praying for the passage of a law releasing him from the prohibition of the sixth section of the act of 1809, regulating divorces, reported the following resolution thereon, viz :

Resolved, That the said petition be rejected—which was concurred in.

Mr. Wingate, from the same committee, to whom was referred the petition of Nelson Dyer, praying for a divorce from his wife, reported the following resolution thereon, viz :

Resolved, That the said petition be rejected.

The question being taken on concurring in the said resolution, it was decided in the negative.

Ordered, That the committee on Religion prepare and bring in a bill pursuant to the said petition.

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Lucy McMachin, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Ballenger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Jesse Yeates, reported the same with amendments—which were concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Ballenger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled an act to establish a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of John B. Cloud, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Ballinger—A bill to change the time of holding the Laurel Circuit Court, and the Knox County Court.

By Mr. Murrell—A bill to regulate Clerks' fees in certain cases.

By Mr. Wickliffe—A bill to regulate charitable uses, and prohibit grants in mort main, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bills were referred to the committee on the Judiciary.

On the motion of Mr. Wickliffe, leave was given to bring in a bill further to regulate the duties of the Clerks of this Commonwealth, and more effectually to secure the public books committed to their care.

Messrs. Wickliffe, Payne and Clarke, were appointed a committee to prepare and bring in the same.

A bill from the House of Representatives, entitled, an act for the benefit of Pierre Theodore Cuvillier, was taken up.

The question being taken on reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ballinger and Slaughter, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Huston,	Rice,
Anderson,	James,	Roberts,
Burnett,	Jasper,	Schooling,
De Courcy,	Jesup,	Slaughter,
Dixon,	Payne,	Walker, J. V.
Ford,	Pitts,	Williams—19.
Hughes,		

Those who voted in the negative were—

Messrs. Ballinger,	Johnston,	Wallace,
Barlow,	Morgan, D.	Walker, C. J.
Bradshaw,	Morgan, J. S.	Weller,
Clarke,	Murrell,	Wickliffe,
Davidson,	Sterett,	Wingate—16.
Guthrie,		

A bill to authorize a loan in aid of the public credit, and for other purposes, came up in the orders of the day.

Mr. Guthrie moved an amendment to the amendment reported from the committee of Finance.

The said bill was postponed and made the order of the day for Monday next, and the Public Printer was ordered to print 150 copies of the amendment offered by Mr. Guthrie, for the use of the General Assembly.

And then the Senate adjourned.

SATURDAY, DECEMBER 14, 1839.

Mr. James presented the petition of George Smedley and D. R. Enders, praying for remuneration for their expenses in pursuing and apprehending a fugitive from justice.

Mr. Wingate presented the petition of William Matthews, praying for the passage of a law to release him from the prohibition contained in the sixth section of the act of 1809, regulating divorces.

Which petitions were received and referred, the first to the committee of Finance, and the second to the committee of Religion.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to amend the laws in relation to taking depositions of non-resident witnesses.

An act to have the line run and marked between the counties of Montgomery and Clarke, reported the same with amendments to each—which were concurred in.

Ordered, That the said bills be read a third time, as amended.

The constitutional rule as to the third reading of the first bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Literary Institution of St. Magdalen, in Washington county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill to amend the law in relation to garnishee, by increasing the jurisdiction of magistrates in such cases, reported the same with an amendment—which was concurred in, and the said bill was recommitted to the committee on the Judiciary.

Mr. Guthrie, from the same committee, to whom was referred a bill for the relief of the Northern Bank of Kentucky, reported the same with an amendment, as a substitute for the bill, which is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the acts establishing the Northern Bank of Kentucky, the Bank of Kentucky, and the Bank of Louisville, as prohibit said Banks from issuing and circulating notes of a less value than five dollars, shall be, and the same is hereby, repealed, for and during the time the payment of specie by said Banks shall be suspended, and until twelve months thereafter; provided from and after twelve months from the time said Banks shall resume the payment of specie, said prohibitory provisions shall be revived and continued in force, in all respects, as though this act had not passed.

Mr. Ballinger moved to amend the said amendment by adding thereto the following section, viz:

Be it further enacted, That for notes which may hereafter be issued by said Banks, or deposits hereafter made, a greater rate of interest than six per centum per annum, shall not be demanded by the holders thereof, for any failures upon the part of the Banks to pay the same in gold or silver, until after a resumption of specie payments by said Banks.

The question being taken on the adoption of the amendment offered by Mr. Ballinger, it was decided in the affirmative.

The yeas and nays being required by Messrs. Weller and Huston, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Ford,	Pratt,
Anderson,	Guthrie,	Rice,
Ballinger,	Huston,	Roberts,
Bradshaw,	Jesup,	Slaughter,
Burnett,	Morgan, D.	Wallace,
Davidson,	Morgan, J. S.	Walker, J. V.
De Courcy,	Murrell,	Wickliffe,
Dixon,	Payne,	Williams—24.

Those who voted in the negative were—

Messrs. Barlow,	Pitts,	Walker, C. J.
Hughes,	Schooling,	Weller,
James,	Sterett,	Wingate—11.
Jasper,	Tomlinson,	

And the said amendment, as amended, was concurred in.

Mr. Weller moved to amend said bill, by adding thereto the following section :

Be it further enacted, That if said Banks and branches continue under suspension longer than the 1st of June next, they shall be interdicted from suing for or collecting any debts then due them, or which may thereafter become due, from declaring any dividends to stockholders, dealing in exchange, or receiving any money or moneys on deposit; and these restrictions shall apply to said Banks should they thereafter suspend; and that they shall be liable to all the penalties imposed by their charters, until they resume the payment of specie for all their liabilities.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Weller and Burnett, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Jasper,	Tomlinson,	Weller—3.
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Those who voted in the negative were—

Mr. Speaker,	Hughes,	Roberts,
Anderson,	Huston,	Schooling,
Ballinger,	James,	Slaughter,
Barlow,	Jesup,	Sterett,
Bradshaw,	Morgan, D.	Wallace,
Burnett,	Morgan, J. S.	Walker, C. J.
Davidson,	Murrell,	Walker, J. V.
De Courcy,	Payne,	Wickliffe,
Dixon,	Pitts,	Williams,
Ford,	Pratt,	Wingate—32.
Guthrie,	Rice,	

Mr. Weller moved to lay the said bill on the table until the first of June next. And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Weller and Tomlinson, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Burnett,	Jasper,	Walker, C. J.
Hughes,	Schooling,	Weller—8.
James,	Tomlinson,	

Those who voted in the negative were—

Mr. Speaker,	Guthrie,	Rice,
Anderson,	Huston,	Roberts,
Ballinger,	Jesup,	Slaughter,

Barlow,
Bradshaw,
Davidson,
De Courcy,
Dixon,
Ford,

Morgan, D.
Morgan, J. S.
Murrell,
Payne,
Pitts,
Pratt,

Sterett,
Wallace,
Walker, J. V.
Wickliffe,
Williams,
Wingate—27.

Ordered, That the said bill be engrossed and read a third time.

Mr. Wickliffe read and laid on the table, the following resolution, viz:

Resolved by the General Assembly, That the Board of Internal Improvement shall be, and is hereby, instructed to proceed with all practicable despatch to complete the locks and dams already let, and being constructed on the rivers Licking, Kentucky, and Green river, and lock No. 1 on the Great Barren river, before they proceed to either construct or expend any of the Internal Improvement Fund upon locks and dams provided for by law, but not in a state of construction, on the said Licking, Kentucky, and Green rivers, or their tributaries.

Resolved, further, That the General Assembly will furnish the said Board with the pecuniary aid necessary to carry the foregoing resolution into effect.

Mr. Ballinger, from the committee of Internal Improvement, reported a bill declaring Little Goose Creek and the east fork of Main Goose Creek, navigable streams, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Ordered, That the said bill be engrossed and read a third time.

Mr. Dixon presented the petition of Sarah Harrington and others, praying for the passage of a law authorizing the sale of 108 acres of land in Henderson county, which was conveyed in trust for the benefit of her and her children, which was received and referred to the committee on the Judiciary.

On the motion of Mr. De Courcy, leave was given to bring in a bill to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky.

Messrs. De Courcy, Wingate and Wallace, were appointed a committee to bring in the same.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill providing for the apprehension and detention of fugitives from justice from other States, reported the same with amendments—which were concurred in.

The Senate then proceeded to the consideration of the orders of the day.

The resolutions read and laid on the table by Mr. Wickliffe on the 12th inst. requiring the Mayor of the City of Louisville, and the President of the Lexington and Ohio Railroad Company, to furnish the Senate information relative to the Lexington and Ohio Railroad, were referred to the committee of Internal Improvement.

On the motion of Mr. Guthrie,

Resolved, That so much of the Governor's Message as relates to the Lexington and Ohio Railroad, with the accompanying documents, be referred to the committee on Internal Improvement, and that said committee be instructed to make such investigation of the affairs and transactions of the company as they may deem necessary to the true understanding of its condition; and for that purpose they are requested to summon the officers before them, and are authorized to call for their books and papers, and to make report of the condition and prospects of the Company, and recommend such course as to the mortgage to the Commonwealth, as they may deem right.

The resolution read and laid on the table by Mr. Tomlinson, on the 12th inst. requiring the Auditor of Public Accounts to furnish the items embraced in Statement No. 2, in his annual Report, which refers to the requisitions of the Board of Internal Improvement, &c. was referred to the committee on Finance.

A bill to fix the ratio and apportion the representation for the ensuing four years, was read the second time, and made the order of the day for Tuesday next.

Ordered, That the Public Printer print 150 copies of the said bill for the use of the General Assembly.

The amendment proposed by the House of Representatives to a resolution from the Senate, fixing a day for the election of public officers, was twice read and concurred in.

A bill from the House of Representatives, entitled, an act for the benefit of Jesse Yeates, was read a third time as amended.

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of America Pearson.
2. An act for the benefit of Joshua Holsclaw.
3. An act for the benefit of Cornelius Snider.
4. An act for the benefit of Johanna Stewart.
5. An act for the benefit of Harriet Wilkerson.
6. An act for the benefit of John Shaw, David L. Gregg and Joseph Le-compte.
7. An act for the benefit of Richard W. McQuoun.

Were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the first five were referred to the committee on Religion; the 6th to the committee on Military Affairs; and the 7th to the committee on Finance.

A bill providing that the estates of persons dying without heirs or distributee, shall vest in the Commonwealth, and for other purposes, was ordered to be engrossed and read a third time.

A bill from the House of Representatives, entitled, an act for the benefit of Pierre Theodore Cuvillier, was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

MONDAY, DECEMBER 16, 1839.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

An act to incorporate the Bethlehem Methodist Episcopal Church in the county of Monroe, and for other purposes.

An act for the benefit of Abraham Ellington.

An act for the benefit of Rachel Blumenthal.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz:

An act to establish the county line between Floyd and Morgan.

An act to amend an act, entitled, an act to establish a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.

An act for the benefit of John B. Cloud.

An act to amend an act, entitled, an act to change the present mode of summoning jurors in this Commonwealth, and to provide for their compensation.

An act to revive an act establishing Libraries in Rockcastle and Laurel counties.

An act for the benefit of N. R. Harris and E. D. Solomon.

An act for the benefit of George W. Carter.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

1. Mr. Davidson presented the petition of the guardians of the infant children of Luke Hazlewood, deceased, praying for the passage of a law authorizing the sale of a small tract of land in Lincoln county, devised to the said children by their deceased father.

2. Mr. Payne presented the petition of the President of the Maysville and Lexington Turnpike Road Company, praying for the passage of a law amending the charter of said company.

3. Mr. Wingate presented the petition of Susan Trigg, praying for the passage of a law to refund to her the money paid by her deceased husband for rebuilding the old State house.

Which petitions were received and referred; the 1st to the committee on the Judiciary; the 2d to the committee on Internal Improvement; and the 3d to the committee on Finance.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Abner Belton, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Leroy Dobyns, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Wingate, from the committee of Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of America Pearson, reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Catharine Pepper, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The following bills were reported, viz:

By Mr. Guthrie, from the committee on the Judiciary—1. A bill reducing the number of Justices of the Peace in Russell county.

By Mr. Wingate, from the committee of Religion—2. A bill for the divorce of Nelson Dyer.

By Mr. De Courcy, from a select committee—3. A bill allowing Willis Blanton, Surveyor of Franklin, further time to give bond.

4. A bill to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being

dispensed with, the 1st, 2d and 3d were ordered to be engrossed and read a third time, and the 4th was referred to the committee on Education.

Mr. Wickliffe moved for leave to bring in a bill to regulate the salaries of the Chancellor and city Judge of the city of Louisville, and the circuit Judge of the — Judicial district, and the city Judge of the city of Lexington, and for other purposes.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Guthrie, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Huston,	Schooling,
Anderson,	James,	Slaughter,
Ballinger,	Jasper,	Sterett,
Barlow,	Jesup,	Tomlinson,
Bradshaw,	Johnston,	Wallace,
Burnett,	Morgan D.	Walker, C. J.
Davidson,	Morgan, J. S.	Walker, J. V.
De Courcy,	Murrell,	Weller,
Dixon,	Payne,	Wickliffe
Ford,	Pitts,	Williams,
Guthrie,	Pratt,	Wingate—35.
Hughes,	Roberts,	

There were no votes in the negative.

Messrs. Wickliffe, Wingate and Dixon, were appointed a committee to prepare and bring in the said bill.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Wingate—1. A bill to provide for the improvement of the capitol square, and for the better security of the public property.

On the motion of Mr. James—2. A bill to amend the law authorizing the service of process upon the Sheriffs of this Commonwealth, in certain cases.

On the motion of Mr. Weller—3. A bill for the relief of Henry Scofield.

On the motion of Mr. Guthrie—4. A bill to authorize limited partnerships in this Commonwealth.

The committee of Internal Improvement was directed to prepare and bring in the 1st; the committee on the Judiciary the 2d and 4th; and the committee of Propositions and Grievances the 3d.

Mr. Ballinger read and laid on the table the following resolution, viz:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That when they adjourn, on Saturday the 21st inst. that they adjourn to meet again on the 1st day of January, 1840.

The rule of the Senate being dispensed with, the said resolution was taken up, and the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Weller and Wingate, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Morgan, J. S.	Tomlinson,
Ballinger,	Payne,	Wallace,
Davidson,	Roberts,	Walker, C. J.
De Courcy,	Schooling,	Wickliffe—14.
Johnston,	Slaughter,	

Those who voted in the negative were—

Messrs. Anderson,	Hughes,	Pitts,
Barlow,	Huston,	Pratt,
Bradshaw,	James,	Sterett,
Burnett,	Jasper,	Walker, J. V.
Dixon,	Jesup,	Weller,
Ford,	Morgan, D.	Williams,
Guthrie,	Murrell,	Wingate—21.

Mr. D. Morgan moved to reconsider the said vote, and the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Burnett and Jesup, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Morgan, J. S.	Tomlinson,
Anderson,	Murrell,	Wallace,
Ballinger,	Payne,	Walker, C. J.
Davidson,	Rice,	Wickliffe,
De Courcy,	Roberts,	Wingate—17.
Morgan, D.	Schooling,	

Those who voted in the negative were—

Messrs. Barlow,	Huston,	Slaughter,
Bradshaw,	Jasper,	Sterett,
Burnett,	Jesup,	Walker, J. V.
Ford,	Johnston,	Weller,
Guthrie,	Pitts,	Williams—17.
Hughes,	Pratt,	

Mr. Wingate read and laid on the table the following resolution, viz:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That when they adjourn, on Tuesday the 24th of December, they will adjourn to meet on Monday the 30th instant.

A bill to authorize a loan in aid of the public credit, and for other purposes, came up in the orders of the day, and was discussed for some time.

And then the Senate adjourned.

TUESDAY, DECEMBER 17, 1839.

A message was received from the House of Representatives, announcing that they had adopted a resolution to appoint a committee to examine Transylvania University and the Lunatic Asylum; a resolution directing the committee on Banks to enquire into the condition of the Commonwealth's Bank, and a resolution for a recess of the General Assembly.

And that they had passed bills of the following titles, viz:

An act to allow an additional Justice of the Peace to Whitley county, and for other purposes.

An act for the benefit of Marie McCaleb.

An act for the benefit of Obadiah Johnston.

An act for the benefit of Ezra Richmond.

An act for the benefit of Louisiana Esters.

An act to change the name of Thomas Farrer to that of Thomas F. Daniel.

An act allowing three additional County Courts to the county of Garrard.

An act to reduce the number of Justices in Henry county.

1. Mr. Pratt presented the petition of Isabella Penn, praying for a divorce from her husband.

2. Also, the petition of Elizabeth Ward, praying for a divorce from her husband.

3. Mr. Huston presented the petition of the deputy Sheriff of Bullitt county, praying for the passage of a law refunding to him forty dollars, which he has paid for a horse he hired to convey a convict to the Penitentiary.

4. Also, the petition of the County Court of Bullitt county, praying for the passage of a law authorizing them to sell the jail of said county and to purchase another lot on which to build a new jail.

5. Also, the petition of the Surveyor of Bullitt county, praying for the passage of a law authorizing certain record books in his office to be transcribed.

6. Mr. Barlow presented the petition of sundry citizens, praying that the law declaring Trammels' fork of Drakes' creek a navigable stream, may be repealed.

Which petitions were received; the 1st and 2d were referred to the committee of Religion; the 3d, to the committee of Finance; the 4th, to the committee of Propositions and Grievances; the 5th, to the committee on the Judiciary; and the 6th, to the committee of Internal Improvement.

The Senate resumed the consideration of a bill providing for the apprehension and detention of fugitives from justice from other states, and the said bill was recommitted to the committee on the Judiciary.

Mr. Johnston, from the committee of Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Richard W. McQuoun, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Johnston, from the committee of Finance, to whom was referred the resolution, offered by Mr. Tomlinson, requiring the Auditor of Public Accounts to transmit information to the Senate, reported the same with an amendment—which was concurred in.

The said resolution, as amended, was adopted as follows, viz :

Resolved, That the Auditor of Public Accounts furnish a list of the items embraced in the expenditure of three hundred and sixty one thousand one hundred and forty dollars fifty seven cents, reported by him for expenditures of the Board of Internal Improvement, in statement No. 2, of his annual report to the General Assembly.

The following bills were reported, viz :

By Mr. Rice, from the committee of Propositions and Grievances—1. A bill allowing the Trustees of the town of Taylorsville to close up an alley, and for other purposes.

By Mr. Johnston, from the committee of Finance—2. A bill for the benefit of George Smedly and D. R. Enders.

By Mr. Wickliffe, from a select committee—3. A bill to provide more effectually for the preservation and keeping of the public books deposited with the Clerks of this Commonwealth.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the first and second bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The constitutional rule as to the second reading of the third bill being dispensed with, it was referred to the committee on the Judiciary.

The Senate resumed the consideration of a bill to authorize a loan in aid of the public credit, and for other purposes.

The said bill is as follows, viz :

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Governor shall be, and is hereby, authorized and required to cause to be opened books of subscription to a loan to the State, of any sum not exceeding five hundred thousand dollars, reimbursable at the

Treasury at any time after the full term of six years next after the call of subscription and payment; the shares, each, to said loan to be one hundred dollars, and to bear an interest of six per centum per annum, from the time of payment, until the time of redemption by the State; the interest to be paid half yearly, at the Treasury of the State. At the time of subscribing and taking of the stock, the Governor shall cause to be made out to the person subscribing a certificate of the amount due to such person, under the seal of the State; and which certificate shall pass by assignment, and entitle the holder to either a transfer on the books or payment on presentation at the Treasury of whatever is due: but no payment shall be made by the Treasurer of any such certificate of stock, except on its presentation: and then it shall be the duty of the Treasurer to make, or cause to be made, the proper endorsements and entries of payment. In aid of the said loan, and to enable the Treasury to meet the debts due, and to become due,

SEC. 2. *Be it further enacted*, That the Governor may execute bonds on the State, under the seal of same, for any part of the above sum of five hundred thousand dollars, which he may deem proper, payable at any time after the term of six years from date, of any denomination not less than one hundred dollars, bearing an interest at the rate of six per cent. per annum; the interest payable at the Treasury of the State, half yearly, and the bonds to be paid at maturity; on which bonds the Governor may either sell and pass at any rate he can do, not less than the nominal amount of the bond or bonds so made, or at a like value pass any of said bonds in discharge of any debt due to individuals from the State for Internal Improvements of the State.

The amendment reported from the committee of Finance as a substitute for the said bill is as follows, viz:

That, in order to provide funds to pay contractors for work done, and to be done, under contracts for the Internal Improvement of the State, the Governor is hereby authorized and required to cause to be opened at such place or places, and under the direction of such persons as he may designate, books of subscription to a loan to the State of Kentucky, of any sum not exceeding five hundred thousand dollars, redeemable at the Treasury at any time after six years, next after the date of subscription and payment; the shares, each, to said loan to be one hundred dollars, and to bear an interest of six per centum per annum from the time of payment until the time of redemption by the State; the interest to be paid half yearly out of the Sinking Fund, at such place as the commissioners thereof may designate; at the time of subscribing and paying of the stock, the Governor shall cause to be issued to the person subscribing a certificate of the amount due to such person under the seal of the State; which certificate shall pass by assignment, and entitle the holder to either a transfer on the books or payment on presentation of whatever is due: but no payment shall be made by the Treasurer of any such certificate of stock, except on its presentation, and, when such payment is made, it shall be his duty to make, or cause to be made, the proper endorsements and entries of payment.

SEC. 2. *Be it further enacted*, That in case of failure to raise the sum of five hundred thousand dollars, in the way provided in the first section, the Governor may execute bonds on the State, under the seal of the same, for any part of the said sum which he may deem proper, payable at any time

after six years from the date, of any denomination not less than one hundred dollars, bearing an interest at the rate of six per cent. per annum, payable, half yearly, out of the Sinking Fund, at such place as the commissioners thereof may designate, and the said bonds to be paid at maturity; which bonds the Governor may either sell and pass at any rate he can, not less than the nominal amount of such bond or bonds so made, or a like value pass any of said bonds in discharge of any debt due to individuals from the State for Internal Improvements of the same.

The amendment offered by Mr. Guthrie, in lieu of the said amendment, is as follows, viz :

That the Acting Governor shall be, and he is hereby authorized to obtain, by loan, any sum not exceeding \$300,000, at a rate of interest not exceeding six per cent. per annum, for the immediate payment of sums due to contractors on the public works; and for the re-payment thereof, and such other sums as has been temporarily borrowed for the purpose of Internal Improvement, the Acting Governor is hereby authorized to sell, or cause to be sold, a sufficient amount of the \$1,100,000, authorized to be borrowed for the purpose of Internal Improvement, by the act, entitled, an act further to provide for the Internal Improvement of the State, approved February, 22, 1839, on such terms, as under all the circumstances, he may deem advisable, at a rate of interest not exceeding six per cent. per annum.

The question being taken on the adoption of the amendment offered by Mr. Guthrie, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Guthrie, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Anderson,	Guthrie,	Sterett,
Bradshaw,	Hughes,	Wallace,
Burnett,	Jesup,	Walker, C. J.
Davidson,	Pratt,	Williams,
Dixon,	Rice,	Wingate—17.
Ford,	Slaughter,	

Those who voted in the negative were—

Mr. Speaker,	Jasper,	Roberts,
Ballinger,	Johnston,	Schooling,
Barlow,	Morgan, D.	Tomlinson,
Clarke,	Morgan, J. S.	Walker, J. V.
De Courcy,	Murrell,	Weller,
Huston,	Payne,	Wickliffe—20.
James,	Pitts,	

Mr. Johnston moved to amend the said amendment, reported from the committee of Finance, by substituting therefor the following, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky,
That the Acting Governor be authorized and required to sell the bonds or scrip of the State to the amount of five hundred thousand dollars, part of

the eleven hundred thousand dollars, authorized to be raised by an act passed February 22d, 1839, at a rate of interest not exceeding six per centum per annum, redeemable at any time after six years—the interest payable semi-annually at the Treasury of the State; provided that said bonds or scrip, shall not be sold at a less rate than par value, nor in sums less than one hundred dollars.

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Guthrie and Pratt, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Morgan, D.	Slaughter,
Ballinger,	Morgan, J. S.	Sterett,
Clarke,	Murrell,	Wallace,
Davidson,	Payne,	Walker, C. J.
Dixon,	Pitts,	Walker, J. V.
Hughes,	Rice,	Wickliffe,
Johnston,	Roberts,	Williams—21.

Those who voted in the negative were—

Messrs. Anderson,	Guthrie,	Pratt,
Barlow,	Huston,	Schooling,
Bradshaw,	James,	Tomlinson,
Burnett,	Jasper,	Weller,
De Courcy,	Jesup,	Wingate—16.
Ford,		

On the motion of Mr. Ballanger, the said amendment, offered by Mr. Johnston, was amended by adding thereto the following section, viz:

SEC. 2. *Be it further enacted*, That it shall be the duty of the Commissioners of the Sinking Fund, from time to time, to deposit, with the Treasurer of the State, a sum which shall be equal to the payment of the interest upon the loan authorized to be made by this act.

The question was then taken on concurring in the said amendment, as amended, as a substitute for the bill, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Jasper and Tomlinson, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Johnston,	Roberts,
Ballinger,	Morgan, D.	Slaughter,
Clarke,	Morgan, J. S.	Sterett,
Davidson,	Murrell,	Wallace,
Dixon,	Payne,	Walker, C. J.
Hughes,	Pitts,	Walker, J. V.
Jesup,	Rice,	Wickliffe—21.

Those who voted in the negative were—

Messrs. Anderson,	Guthrie,	Schooling,
Barlow,	Huston,	Tomlinson,
Bradshaw,	James,	Weller,
Burnett,	Jasper,	Williams,
De Courcy,	Pratt,	Wingate—16.
Ford,		

The question was then taken on engrossing the said bill and reading it a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Guthrie and De Courcy, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Morgan, D.	Slaughter,
Ballinger,	Morgan, J. S.	Wallace,
Clarke,	Murrell,	Walker, C. J.
Davidson,	Payne,	Walker, J. V.
Hughes,	Pitts,	Weller,
Jesup,	Roberts,	Wickliffe—19.
Johnston,		

Those who voted in the negative were—

Messrs. Anderson,	Ford,	Rice,
Barlow,	Guthrie,	Schooling,
Bradshaw,	Huston,	Sterett,
Burnett,	James,	Tomlinson,
De Courcy,	Jasper,	Williams,
Dixon,	Pratt,	Wingate—18.

A resolution from the House of Representatives for a recess of the General Assembly, was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn, on Friday the 20th day of December, 1839, they will adjourn to meet on the first day of January thereafter.

The question being taken on concurring in the said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Guthrie and Pratt, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Johnston,	Schooling,
Ballinger,	Morgan, D.	Slaughter,
Clarke,	Morgan, J. S.	Tomlinson,
Davidson,	Payne,	Wallace,
De Courcy,	Pitts,	Walker, C. J.
Dixon,	Rice,	Wickliffe,
Huston,	Roberts,	Williams—21.

Those who voted in the negative were--

MESSRS. Anderson,
Barlow,
Bradshaw,
Burnett,
Ford,
Guthrie,

Hughes,
James,
Jasper,
Jesup,
Murrell,

Pratt,
Sterett,
Walker, J. V.
Weller,
Wingate—16.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 18, 1839.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate, to a bill from that House, entitled, an act for the benefit of Jesse Yeates.

And that they had passed bills from the Senate of the following titles, viz:

An act for the benefit of the late Sheriff of Washington county.

An act for the benefit of the infant children of Morgan Hopson.

An act for the benefit of James V. Fortune and George M. Fortune.

And that they had passed bills of the following titles, viz:

An act to amend an act, entitled, an act to regulate the election of Trustees for the town of Port Oliver, in Allen county.

An act for the benefit of indigent children received in the City Hospital of Lexington.

An act to establish an election precinct in Clay county.

An act for the benefit of John F. Gooch.

The Speaker laid before the Senate the following communication from the Treasurer, viz:

TREASURY OFFICE, }
Frankfort December, 18, 1839. }

SIR:

I discovered, yesterday, in the printed report of the Treasury, a typographical error. On page 2, item for Deaf and Dumb Asylum, it is printed \$829 33. In the manuscript it is \$329 33, but the aggregate amount in the addition is correct. On examination and comparison I find no other mistake in the printed copy.

Yours respectfully,

JAMES DAVIDSON, *Treasurer.*

To the Hon. SAMUEL HANSON,

Speaker of the Senate.

The Speaker laid before the Senate the annual report of the condition of the Deaf and Dumb Asylum, which is as follows, viz:

[For the report—see Appendix.]

The Speaker laid before the Senate the following report of the Auditor of Public Accounts, viz:

STATE OF KENTUCKY,
Auditor's Office, Dec. 18, 1839. }

SIR:

In compliance with a resolution passed by the Senate on yesterday, in words and figures as follows, viz:

IN SENATE,
December, 17, 1839. }

Resolved, That the Auditor of Public Accounts furnish a list of the items embraced in the expenditure of three hundred and sixty one thousand, one hundred and forty dollars fifty seven cents, reported by him, for expenditures of the Board of Internal Improvement, in Statement No. 2, of his annual report to the General Assembly.

Attest: JAMES STONESTREET, *Clerk of the Senate*.

Enclosed herein is a response to the requisitions of the above Resolution; please lay it before the Senate over which you have the honor to preside, and oblige your very humble servant.

BEN. SELBY, *Auditor of Public Accounts*.

HON. SAMUEL HANSON,
Speaker of the Senate.

Wm. B. Foster, resident Engineer, to defray general expenses—requisition, December 28, 1839,	\$249 60	
George R. Eichbaum, assistant Engineer, to defray expense reconnoissance Tradewater—requisition Dec. 30, 1839,	100 00	
H. J. Eastin, resident Engineer, to pay general expenses—requisition, Dec. 7, 1839.	700 00	
John Hulme, agent for manufacture of Hydraulic lime—requisition, Jan. 2, 1839.	1,782 30	
		\$2,831 90
Bank of Louisville—requisition, December 10, 1839,	25,000 00	
Bank of Louisville—requisition, December 10, 1839,	325 00	
		25,325 00
Northern Bank of Kentucky—requisition, December 10, 1839,	-	50,000 00
John Hulme, for freight on 1200 barrels lime to lock No. 1, Green river—requisition, March 15, 1839,	600 00	
Amounts carried forward,	\$600 00	\$78,156 90

Amounts brought forward,	\$600 00	\$78,156 90
John Hulme, agent for manufacture of Hydraulic lime—requisition, March 15, 1839,	5,000 00	
James M. Bullock, agent to sell State Bonds,	1,000 00	
Charles Hutchinson, cabinet workman, for various furniture for office: tables, desks, &c. &c. See account filed, B. I. I.—requisition, March 15, 1839,	258 50	6,858 50
James R. Skiles, member of the Board, for his services to 24th Dec. 1839—requisition, January 17, 1839,	334 00	
James R. Skiles, member of Board of I. I.—requisition, dated Feb. 23, 1839,	274 00	
Manlius V. Thompson, member of B. I. I. for his services to 13th Dec. 1839—requisition, dated Jan. 17, 1839,	235 13	
M. V. Thompson, member of B. I. I. for his services from ——— to ——— requisition Feb. 9, 1839,	73 25	
John Hulme, agent for manufacture of Hydraulic lime—requisition Jan. 31, 1839,	2,000 00	
A. C. Keenon—requisition, Feb. 1, 1839,	77 75	
A. G. Hodges—requisition February 1st, 1839,	402 72	
William M. Todd—requisition, February 1, 1839,	243 73	
Wm. R. Griffith, commissioner, &c.—requisition, Feb. 1839,	1,250 00	
Robert Arberry—See act of Assembly, approved February 23, 1839—requisition, February 23, 1839,	100 00	
William B. Foster, resident Engineer—requisition, February 23, 1839,	121 58	5,112 16
James R. Skiles, member of the B. I. I. per diem, and expenses allowed—requisition, March 19, 1839,		125 00
James T. Morehead, balance due him as agent to sell scrip, in 1837, by order of Governor Clark, March 25, 1839—requisition, March 25, 1839,	700 00	
D. Meriwether, for benefit of Wickersham, per report Engineer—requisition, April 1, 1839,	625 00	
N. B. Barclay, for freight on lime to Kentucky river, No. 3, 2,598 barrels—requisition, 1st April, 1839,	1,623 75	2,948 75
Amount carried forward,		\$93,201 31

Amount brought forward,	-	-	\$93,201 31
Antes Snyder, resident Engineer, expense to Goose Creek and Cumberland river, and road from Greensburg to State line—requisition, April 11, 1839,	-	\$70 75	
C. F. Taylor, for Theodolite and 100 feet of chain, cash advanced—requisition, April 11, 1839,	-	266 00	
			336 75
George Crumbaugh, superintendent for clear- ing banks Kentucky river—requisition, 15th April, 1839,	-	200 00	
J. H. Smith, superintendent for clearing the banks of Kentucky river—requisition, 15th April, 1839,	-	200 00	
A. G. Cammack, superintendent for clearing banks of Kentucky river—requisition, April 15th, 1839,	-	200 00	
			600 00
Dennis Byrnes, superintendent for clearing banks of Kentucky river—requisition, 18th April, 1839,	-	300 00	
Herndon & Moffett, for sundries furnished to hands for clearing banks Kentucky river—re- quisition, April 18, 1839,	-	241 89	
H. Iseminger, bacon, &c. furnished hands for cleaning banks Kentucky river,	-	292 70	
C. F. Taylor, advance to defray expense of survey of road from Irwine to mouth of Troublesome—requisition, April 17, 1839,	-	500 00	
John Hulme, agent for manufacture of Hydraul- ic lime—requisition April 20, 1839,	-	6,000 00	
John Hulme, freight on 2,043 barrels lime to Licking river—requisition, April 20, 1839,	-	687 90	
			8,022 49
Cashier Bank of Kentucky, to pay debt of \$225,000, and interest from 1st January, 1839 up to ———, 1839—requisition, April 20, 1839,	-	-	229,125 00
S. Welch, Chief Engineer, to defray expenses —requisition, April 29, 1839,	-	-	250 00
Henry J. Eastin for expenses in making the survey and location of the Crab Orchard and Cumberland Gap road—requisition, May 9, 1839,	-	-	500 00
J. H. Smith and A. G. Cammack, advanced to clear Banks Kentucky river, each, \$200— requisition, May 11, 1839,	-	400 00	
Amounts carried forward,	-	\$400 00	\$332,035 55

Amounts brought forward,	\$400 00	\$332,035 55
M. R. Stealey, advance made for outfit clearing banks Kentucky river, &c.—requisition April 16, 1839,	1,024 07	
Geo. Stealey advanced to run line of levels, Kentucky river—requisition, May 9, 1839,	250 00	
		1,674 07
Samuel Daviess, member Board Internal Improvement—requisition, February 23, 1839,	430 47	
George W. Gwin for furnishing grate, scuttle, &c.—requisition, February 15, 1839,	31 43	
N. B. Buford, Resident Engineer &c., to pay for land at lock sites, Licking river—requisition, November, 24, 1839,	833 33	
N. B. Barclay for delivery Hydraulic lime to the locks on Ky. river—requisition, June 3, 1839,	500 00	
Wm. M. Todd for stationary furnished Engineer's office—requisition, June 11, 1839,	131 50	
M. P. Hiatt and others, freight on 300 barrels lime to No. 4, Kentucky river—requisition June 6, 1839,	450 00	
George Stealey to defray expenses of running a line of levels, Kentucky river—requisition June 10, 1839,	430 28	
George Crumbaugh, superintendent, for clearing banks Kentucky river—requisition, June 8, 1839,	250 00	
George Crumbaugh, superintendent, for clearing banks Kentucky river—requisition, June 8, 1839,	250 00	
A. G. Cammack, superintendent, for clearing banks Kentucky river—requisition, May 25, 1839,	200 00	
A. G. Cammack, superintendent, for clearing banks of Kentucky river—requisition, June 8, 1839,	400 00	
Dennis Byrnes, superintendent, for clearing banks of Kentucky river—requisition May 27, 1839,	300 00	
J. H. Smith, superintendent, for clearing banks Ky. river—requisition, May 23, 1839,	200 00	
James M. Bullock to defray expenses, in part, as agent to sell bonds—requisition, May 25, 1839,	25 00	
S. Finnie for 500 bushels coal in 1838, and putting in room, at 15 cents; and 410 bushels in 1839, at 22 cents, and putting in room—requisition, May 25, 1839,	172 20	
		4,604 21
Amount carried forward,		\$338,313 83

Amount brought forward, - - -		\$338,313 83
Thomas S. Page, expenses, &c. to Louisville, to settle with Banks—requisition, May 28, 1839, - - -	30 00	
Dennis Byrnes, superintendent, &c., on Kentucky river—requisition, June 13, 1839, - - -	400 00	
Isham Goins and others, freight on 20 barrels lime to No. 3, and 378 barrels to No 4 Kentucky river—requisitions, June 17, 1839, - - -	484 00	
George Crumbaugh, superintendent, &c., for clearing banks Kentucky river—requisition, June 19, 1839, - - -	250 00	
		<hr/> 1,164 00
E. H. Taylor, cash, &c., cash advanced for clearing banks of Licking river—requisition, June 25, 1839, - - -	1,000 00	
M. P. Hiatt and others, freight on 247 barrels of lime to No. 4, Kentucky river—requisition, June 24, 1839, - - -	346 00	
A. G. Cammack and J. H. Smith, superintendents, &c. \$300 each—requisition, June 22 1839, - - -	600 00	
		<hr/> 1,946 00
Dennis Byrnes, superintendent, &c., for clearing banks Kentucky; for use of Herndon & Moffat for groceries—requisition July 2, 1839 - - -	116 68	
George Crumbaugh, superintendent, &c., clearing banks Kentucky river—requisition, July 1, 1839, - - -	300 00	
H. J. Eastin, Resident Engineer, to defray expenses of surveying road from Greensburg to Tennessee line—requisition, July 2, 1839, - - -	900 00	
Wm. Root and M. Franklin, for freight on 100 barrels lime, from No. 5 to 4, Kentucky river, and 650 barrels from No. 1 to 2—requisition, June 27, 1839, - - -	229 75	
John Turner and others, freight on 120 barrels cement to No. 4, Kentucky river—requisition, July 2, 1839, - - -	160 00	
		<hr/> 1,706 43
Dennis Byrnes, superintendant &c., clearing banks Kentucky river—requisition, July 8, 1839, - - -	400 00	
James H. Smith, superintendant for clearing banks of Kentucky river—requisition, July 6, 1839, - - -	250 00	
A. G. Cammack, superintendent cleaning banks Kentucky river—requisition, July 6, 1839, - - -	250 00	
M. Hiatt &c. (waggoners) freight on 143 barrels lime, to Lock No. 4, Kentucky river—requisition, July 8, 1839, - - -	216 12	
		<hr/>
Amounts carried forward, - - -	\$1,116 12	\$343,130 26

Amounts brought forward, -	\$1,116 12	\$343,130 26
John Hulme, agent for manufacture Hydraulic lime—requisition, July 11, 1839, -	2,000 00	
		3,116 12
John Hulme, agent for manufacture Hydraulic lime—requisition, July, 16, 1839, -	1,375 35	
A. G. Cammack, superintendent for clearing banks of Kentucky river—requisition, July 18, 1839, -	250 00	
N. B. Barclay, freight on 800 barrels lime to No. 3, Kentucky river—requisition, July 18, 1839, -	500 00	
		2,125 35
A. G. Cammack, superintendent for clearing Banks Kentucky river, for benefit of H. & M. for bacon &c.—requisition, July 23, 1839, -	232 00	
A. G. Cammack, superintendent for clearing banks Kentucky river—requisition, July 20, 1839, -	300 00	
J. H. Smith, superintendent for clearing banks Kentucky river—requisition, July 20, 1839, -	250 00	
		782 00
M. R. Stealy, to defray expenses for procuring hands for the locks &c. of the Kentucky river—requisition, July 26, 1839, -	2,000 00	
Dennis Byrnes, superintendent for clearing banks Kentucky river—requisition, July 31, 1839, -	400 00	
George Crumbaugh, superintendent clearing banks Kentucky river—requisition, July 31, 1839, -	250 00	
		2,650 00
J. H. Smith, superintendent clearing banks of Kentucky river—requisition, August 3, 1839, -	250 00	
A. G. Cammack, superintendent for clearing banks Kentucky river—requisition, August 5, 1839, -	400 00	
		650 00
M. V. Thompson, member Board of Internal Improvement—requisition, August 9, 1839, -	78 25	
George Crumbaugh, superintendent for clearing bank Kentucky river—requisition, August 16, 1839, -	300 00	
		378 25
Dennis Byrnes, superintendent clearing banks Kentucky river—requisition, August 20, 1839, -	400 00	
Amounts carried forward, -	\$400 00	\$352,831 98

Amonnts brought forward, -	\$400 00	\$352,831 98
A. G. Cammack, superintendent for clearing banks Kentucky river—requisition, August 19, 1839, - - - - -	300 00	
J. H. Smith, superintendent for clearing banks Kentucky river—requisition, August 19, 1839, - - - - -	250 00	
		950 00
H. J. Eastin, resident Engineer—requisition, September 10, 1839, - - - - -	250 00	
John Hulme, manufacturer of lime at Taras- con's mills—requisition, September 6, 1839, -	991 77	
Dennis Byrnes, superintendent clearing banks Kentucky river—requisition, September 6, 1839, - - - - -	400 00	
Dennis Byrnes, superintendent clearing banks Kentucky river—requisition, September 1, 1839, - - - - -	76 56	
J. H. Smith, superintendent for clearing banks Kentucky river—requisition, September 1, 1839, - - - - -	150 00	
A. G. Cammack, superintendent for clearing banks Kentucky river—requisition, Septem- ber 1, 1839, - - - - -	250 00	
Thos. S. Theobalds, for sundries work done in Penitentiary—requisition, Sept. 1, 1839, -	74 93	
G. C. Branham, freight on lime from No. 2 to No. 3, Kentucky river—requisition, Sep- tember 1, 1839, - - - - -	45 85	
P. S. Bush, for cutting timbers on banks of Licking river—requisition, September 1, 1839, - - - - -	1,000 00	
George Crumbaugh, superintendent clearing banks Kentucky river—requisition, August 27, 1839, - - - - -	300 00	
A. C. Keenon, for binding, &c., as per account rendered Board of Internal Improvement— requisition, August 27, 1839, - - - - -	36 65	
C. H. Julian, for ——— requisition, August 24, 1839, - - - - -	130 83	
		3,706 59
J. H. Cox, freight on 448 bbls. lime to No. 1. Kentucky River—requisition, Sept. 21, 1839, -	224 00	
James, &c. (a colored man) for attendance on Engineer's office, from 10th Oct. 1836 to 30th Sept. 1839—requisition, Sept. 21, 1839, -	264 00	
H. J. Eastin, Resident Engineer, advanced to make surveys—requisition, 23d Sept. 1839, -	500 00	
Amounts carried forward, -	\$988 00	\$357,488 57

Amonnts brought forward, -	\$988 00	\$357,488 57
Wm. R. McKee, Resident Engineer, advanced to make surveys—requisition, Sept. 21, 1839, -	500 00	
George Crumbaugh, clearing banks Kentucky—requisition, Sept. 7, 1839, -	300 00	
George Crumbaugh, superintendent for clearing banks Ky.—requisition, Sept. 21, 1839, -	300 00	
J. S. Bush, to pay for land at lock No. 6, Licking river—requisition, Sept. 21, 1839, -	1,014 00	
J. H. Smith, superintendent clearing banks Ky. river—requisition, Sept. 18, 1839, -	250 00	
A. G. Cammack, superintendent clearing banks Ky. river—requisition, Sept. 21, 1839, -	300 00	
		<u>3,652 00</u>
Total warrants charged under head Board Internal Improvement, -	-	<u>- 361,140 57</u>
Of which were issued for expenses, not specified by the requisitions—this amount, -	2,939 36	
Expended on Tradewater, -	100 00	
Manufacturing hydraulic lime, -	19,149 42	
Bank of Louisville, -	25,325 00	
Northern Bank of Kentucky, -	50,000 00	
Freight on lime to Green river, -	600 00	
Expense for sale of State Bonds, -	1,725 00	
Expended for office Board Internal Improvement, -	2,051 13	
Members of Board Internal Improvement, per diem, &c., -	1,346 85	
Green River Commissioner, -	1,250 00	
Amount paid to Wickersham, -	625 00	
Freight on lime to Kentucky river, -	4,779 47	
Clearing banks Kentucky river, -	12,933 90	
Surveying road from Irwin to mouth of Troublesome, -	500 00	
Freight of lime to Licking river, -	687 90	
Bank of Kentucky, -	229,125 00	
Survey of Crab Orchard & Cumberland Gap road, -	500 00	
Line of levels run for Kentucky river, -	680 28	
Land for lock sites Licking river, -	1,847 33	
Clearing banks Licking river, -	2,000 00	
Surveying road from Greensburg to Tennessee line, -	900 00	
Procuring hands to work on locks on Kentucky river, -	2,000 00	
Thos. S. Theobalds, for his account—see Board of Internal Improvement, -	74 93	
		<u>\$361,140 57</u>

BEN. SELBY, Auditor Public Accounts.

The said report was referred to the committee of Finance, and the Public Printer directed to print 150 copies thereof for the use of the General Assembly.

The Speaker laid before the Senate the annual statement of the condition of the Bank of the Commonwealth, which is as follows, viz :

COMMONWEALTH BANK OFFICE, }
December 16th, 1839.

Sir :

I have the honor of communicating, through you, to the Senate, the annexed statement of the condition of the Bank of the Commonwealth of Kentucky, on the 16th day of December, 1839. Since the 1st day of January, 1839, there has been paid into the Treasury, (for the use of the Commissioners of the Sinking Fund,) the sum of \$23,000; and during the same time, the sum of \$461 68 of the notes of the institution, have been cancelled by burning.

There remains in circulation of the notes of the Bank, the sum of \$3,220 28. There stands upon the books of the institution, the sum of \$262,923 16, as still due from individuals debtors, a part of which last sum has been paid in Bank, but not entered to the proper credit, and most of which is included in the item of individual depositors, as per statement herewith annexed. This has been caused by neglect and carelessness of agents and attorneys heretofore, in their collections.

All the debts due the institution, are in a speedy train of collection, by suit or otherwise, and I presume before the end of the next year, will be adjusted, unless the unexpected suspension of the Banks, and general pressure in our monetary affairs, should operate delay.

From the best information I have been able to collect of the good, bad and doubtful debts due the Bank of the Commonwealth, I presume the State will yet realize from the institution, the sum of \$40,000.

Every trick and artifice known in litigation, has been heretofore resorted to by many of the debtors of the Bank, to defeat collections on her part, and it is to be expected that the same feeling will still prevail on the part of some of its debtors; at the same time it must be a source of congratulation to the original projectors of the institution, that it has done much public good, and but little individual injury; and from having originated without one cent of *cash capital*, has been able to meet all her liabilities, and live amidst two great *Bank suspensions*, rendering an efficient aid to the financial affairs of the State.

With great respect, yours, &c.

O. G. CATES,

President Bank of Commonwealth, pro tem.

To the Hon. SAMUEL HANSON,
Speaker of the Senate.

Situation of the Bank of the Commonwealth of Kentucky, on the 16th day of December, 1839.

LIABILITIES.	
Stock,	\$450,759 88
Notes payable,	3,220 28
Interest,	8,369 45
Individual Depositors,	7,988 14
Due to other Banks,	200 69
	<hr/>
	\$470,538 44

RESOURCES.	
Bills receivable,	\$262,923 16
Expenses for the years 1838-'9,	4,050 97

Treasurer, for Commissioners of the Sinking Fund, viz:

For the year 1837,	33,750 00
For the year 1838,	31,280 00
For the year 1839,	23,000 00
	<hr/>
	88,030 00
Profit and loss,	47,111 63
A. Waggener's administrator,	162 10
Delinquent Cashiers,	29,989 32
Attorneys,	4,502 67
Late sheriff of Jefferson county,	50 00
Farmers' Bank of Harrodsburg,	1,671 94
Kentucky Exporting Company,	507 00
Individual tickets,	708 63
Turnpike stock,	908 00
Real estate,	29,847 23
Cash on hand,	75 79
	<hr/>
	\$470,538 44

Mr. Johnston presented the petition of Catharine Collins, praying for a divorce from her husband, which was received and referred to the committee of Religion.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to extend the Constable's district in the town of Burksville, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill to regulate Clerk's fees in certain cases, and a bill for the apprehension and de-

tection of fugitives from justice from other States, reported the same with amendments to each—which were concurred in.

Ordered, That the said bills be engrossed and read a third time.

On the motion of Mr. Guthrie, the committee on the Judiciary was discharged from the duty of preparing and bringing in a bill to amend the law authorizing the service of process upon the Sheriffs of this Commonwealth in certain cases.

On the motion of Mr. Rice, the committee of Propositions and Grievances was discharged from the duty of preparing and bringing in a bill for the relief of Henry Scofield.

Mr. Wingate, from the committee of Religion, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Harriet Wilkerson:

An act for the benefit of Joshua Holsclaw:

An act for the benefit of Dicey Powell—reported the 1st and 2d without amendment, and the 3d with the opinion of the committee that it ought not to pass.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading of the third bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred the resolutions, read and laid on the table on the 12th instant, by Mr. Wickliffe, requiring the President of the Lexington and Ohio Railroad Company to give information to the Senate in relation to said road, reported the same without amendment, and the said resolutions were adopted.

The following bills were reported, viz:

By Mr. Guthrie, from the committee on the Judiciary—1. A bill authorizing limited partnerships in this Commonwealth.

2. A bill for the benefit of the Surveyor of Bullitt county.

By Mr. Wingate, from the committee of Religion—3. A bill for the benefit of Elizabeth Ward.

By Mr. Wickliffe, from a select committee—4. A bill to regulate the salaries of the Chancellor of the city of Louisville, the Circuit Judge of the ——— Judicial District, the city Judge of the city of Louisville, and the city Judge of the city of Lexington, and for other purposes.

By Mr. Hughes, from a select committee—5. A bill authorizing the sale of a Seminary lot, and the building thereon, in the county of Henry.

By Mr. Jasper, from a select committee—6. A bill to amend the laws regulating civil proceedings, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st was laid on the table, and the Public Printer directed to print 150 copies thereof for the use of the General Assembly; the 2d, 3d and 5th, were ordered to be engrossed and read a third time; the 4th was referred to the committee of the whole house on the state of the Commonwealth, and made the order of the day for the 10th day of January next; and the 6th was referred to the committee on the Judiciary.

Mr. Johnston, from the committee of Finance, reported a bill for the benefit of the Sheriff of Bullitt county, which was read the first time.

The question being taken on reading the said bill a second time, it was decided in the negative, and so the said bill was rejected.

On the motion of Mr. Dixon, he was excused from serving on the joint committee on Banks, and Mr. Payne was added to the said committee.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Weller—1. A bill to incorporate the Caldwell and Livingston Turnpike Road Company.

On the motion of Mr. Clarke—2. A bill for the benefit of the Sheriff of Jessamine county.

On the motion of Mr. Pratt—3. A bill to so amend the militia law as to dispense with the Quarter Master's annual estimate returns.

The committee of Internal Improvement was directed to prepare and bring in the 1st; the committee of Finance, the 2d, and the committee on Military Affairs, the 3d.

1. Mr. Slaughter presented the petition of John Stockdale and Belinda, his wife, praying for the passage of a law authorizing them to sell and convey two tracts of land belonging to the said Belinda, who is under 21 years of age.

2. Also, the petition of Willam Bowman praying that the law concerning peddlars may be amended.

3. Mr. Wingate presented the petition of Simon Tufts, praying for a divorce from his wife.

4. Mr. Pratt presented the petition of Warner Penn, praying for a divorce from his wife.

Which petitions were received and referred, the 1st and 2d to the committee on the Judiciary, and the 3d and 4th to the committee of Religion.

On the motion of Mr. Pitts, the committee of Internal Improvement was discharged from the further consideration of the petitions of sundry citizens living in the vicinity of lock and dam No. 3 on Green river, praying that the timber may be removed from a piece of land overflowed by the back water from said dam, and the said petition was referred to the committee of Propositions and Grievances.

A bill to fix the ratio and apportion the representation came up in the orders of the day.

Mr. Rice moved to postpone the consideration of the said bill and make it the order of the day for the sixth day of January next.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Guthrie, were as follows:

Those who voted in the affirmative were—

Mr. Speaker,	James,	Roberts,
Messrs. Anderson,	Jasper,	Schooling,
Barlow,	Johnston,	Slaughter,
Burnett,	Morgan, D.	Sterett,
Davidson,	Payne,	Tomlinson,
De Courcy,	Pitts,	Wallace,
Dixon,	Pratt,	Williams,
Guthrie,	Rice,	Wingate—25.
Hughes,		

Those who voted in the negative were—

Messrs. Ballinger,	Huston,	Walker, J. V.
Bradshaw,	Morgan, J. S.	Weller,
Clarke,	Murrell,	Wickliffe—11.
Ford,	Walker, C. J.	

A message, in writing, was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT, }
December 18th, 1839. }

Gentlemen of the Senate:

I nominate for your advice and consent, Walker Reid, to be Judge of the first Judicial District, in place of Walker Reid, resigned.

C. A. WICKLIFFE.

Resolved, That the Senate advise and consent to the said appointment.

A bill to change the form of the Commissioners' books of taxable property, and to regulate the duties of the Commissioners of tax, and other officers in relation to the same, was amended, and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The resolutions read and laid on the table by Mr. Wickliffe, on the 14th inst. instructing the Board of Internal Improvement to proceed to complete the locks and dams in progress of construction on the Licking, Kentucky and Green rivers, &c. were read and referred to the committee of Internal Improvement.

The resolutions read and laid on the table by Mr. Wickliffe on the 12th inst. requiring information from the Bank of Kentucky, the Northern Bank of Kentucky, the Bank of Louisville, and the Louisville Gas Light Bank, were read.

The question being taken on the adoption of the said resolutions, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and De Courcy, were as follows:

Those who voted in the affirmative were—

Mr. Speaker,	James,	Schooling,
Messrs. Anderson,	Jasper,	Slaughter,
Ballinger,	Jesup,	Sterett,
Barlow,	Johnston,	Tomlinson,
Bradshaw,	Morgan, D.	Wallace,
Burnett,	Morgan, J. S.	Walker, C. J.
Clarke,	Murrell,	Weller,
De Courcy,	Pitts,	Wickliffe,
Ford,	Roberts,	Williams—28.
Huston,		

Those who voted in the negative were—

Messrs. Davidson,	Hughes,	Walker, J. V.
Guthrie,	Payne,	Wingate—6.

On the motion of Mr. Guthrie he was excused from serving on the joint Committee on Banks.

On the motion of Mr. Anderson, the vote excusing Mr. Guthrie from serving on the said committee, was re-considered.

The question was then taken on excusing Mr. Guthrie from serving on the said committee, and it was decided in the negative.

On the motion of Mr. Pitts, the vote adopting the said resolutions requiring information from the said Banks, was re-considered; and the said resolutions were amended so as to make them joint resolutions of both Houses, and by striking out the last resolution and inserting in lieu thereof the following:

Resolved, That the joint committee on Banks require answers to be given to the foregoing interrogatories.

Mr. Guthrie moved to lay the said resolutions on the table, until the first day of June next.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. De Courcy and Wickliffe, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Davidson,	Hughes,	Wingate—5.
Guthrie,	Payne,	

Those who voted in the negative were—

Mr. Speaker,	James,	Schooling,
Messrs. Anderson,	Jasper,	Sterett,
Ballinger,	Jesup,	Tomlinson,
Barlow,	Johnston,	Wallace,
Bradshaw,	Morgan, D.	Walker, C. J.
Burnett,	Morgan, J. S.	Walker, J. V.
Clarke,	Murrell,	Weller,
De Courcy,	Pitts,	Wickliffe,
Ford,	Pratt,	Williams—29.
Huston,	Roberts,	

The said resolutions were then adopted.

A bill from the House of Representatives, entitled, an act for the benefit of indigent children received into the city hospital of Lexington, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

An engrossed bill entitled, an act declaring Little Goose Creek, and the East Fork of Main Goose Creek, navigable streams, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Leave of absence from the Senate was granted to Mr. Rice until Friday next.

And then the Senate adjourned.

THURSDAY, DECEMBER 19, 1839.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

An act to amend the law concerning sealed instruments.

An act to establish an additional election precinct in Campbell county.

An act to change the place of voting in an election precinct in McCracken county.

That they had concurred in resolutions from the Senate requiring information from the officers of the Banks.

And that they had passed a bill from the Senate, entitled, an act to change the form of the Commissioners' books of taxable property, and to regulate the duties of the Commissioners of tax, and other officers in relation to the same.

1. Mr. Payne presented the petition of Thomas Glasscock, praying to be refunded a sum of money expended in apprehending a criminal.

2. Mr. J. S. Morgan presented the petition of sundry citizens of Nicholas and Bourbon counties in relation to the license laws.

Which were received; the 1st was referred to the committee of Finance, and the 2d to the committee of Religion.

On the motion of Mr. Guthrie, the vote was reconsidered by which the committee on the Judiciary was discharged from the duty of preparing and bringing in a bill to amend the law authorizing the service of process upon the Sheriffs of this Commonwealth in certain cases; and the motion to discharge the committee was withdrawn.

On the motion of Mr. Guthrie, he was excused from serving on the committee on Banks, and Mr. James was added to the said committee.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of indigent children received into the City Hospital of Lexington, reported the same with an amendment—which was concurred in, and the said bill ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Wingate, from the committee of Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Cornelius Snider, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of John Shaw, David L. Gregg and Joseph Lecompte, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz :

By Mr. Guthrie, from the Committee on the Judiciary—1. A bill for the benefit of the widow and children of Samuel Pryor, deceased.

By Mr. Ballinger, from the committee on Internal Improvement—2. A bill for the benefit of the Winchester and Lexington Turnpike Road Company.

By same—3. A bill allowing Edward C. Haydon to build a mill dam across Salt river.

By Mr. Johnston, from the committee on Finance—4. A bill for the benefit of the Sheriff of Jessamine county.

By Mr. Jesup, from the committee on Military Affairs—5. A bill to amend the militia law of this State.

Which were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the 1st, 2d, 3rd and 4th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The constitutional rule as to the second reading of the fifth having been dispensed with, the same was ordered to be engrossed and read a third time.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate, to a bill from that House, entitled, an act for the benefit of indigent children received in the City Hospital of Lexington.

That they had passed bills from the Senate of the following titles, viz :

An act for the benefit of the Winchester and Lexington Turnpike Road Company.

An act for the benefit of the Sheriff of Jessamine county.

An act declaring Little Goose creek and the East Fork of Main Goose creek navigable streams.

And had passed a bill, entitled, an act to establish the county of Fulton, and for other purposes.

Mr. Wingate, from the select committee, appointed to prepare and bring in the same, reported a bill to establish a new Judicial District, and for other purposes.

Which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading of the said bill being dispensed with,

On motion of Mr. Anderson,

Ordered, That the same be referred to the committee on the Judiciary, with instructions to enquire into the propriety of reorganizing the Judicial Districts of the State as they at present exist.

Mr. Barlow, from the joint committee of Enrollments, reported that the committee had examined enrolled bills and resolutions which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

A resolution fixing a day for the election of public officers.

An act for the benefit of James V. Fortune and George M. Fortune.

An act for the benefit of the Jailer of Nicholas county.

An act for the benefit of the infant children of Morgan Hopson.

An act for the benefit of the late Sheriff of Washington county.

An act for the benefit of the Winchester and Lexington Turnpike Road Company.

An act declaring Little Goose creek and the East Fork of Main Goose creek navigable streams.

An act for the benefit of the Sheriff of Jessamine county.

And that they had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Jesse Yates.

An act for the benefit of Pierre Theodore Cuvillier.

An act to incorporate the Literary Institution of St. Magdalen, in Washington county.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Pitts—1. A bill to appropriate the proceeds of town lots belonging to the State, in Skilesville, in Muhlenberg county, to the excavation of the water power canal at dam No. 3, on Green river.

On the motion of Mr. Bradshaw—2. A bill for the benefit of John Gooding.

On the motion of Mr. James—3. A bill to amend the law in relation to chancery proceedings.

4. A bill to incorporate the Mills' Point Hotel Company.

Ordered, That Messrs. Pitts, J. V. Walker and Burnett, prepare and bring in the 1st; the committee on Finance, the 2d, and the committee on the Judiciary, the 3rd and 4th.

Mr. Pratt moved the following resolution, viz :

Resolved by the Senate, That the Clerk of the Scott County Court be directed to deposite with the Auditor of this State, the Commissioner's books for the year 1839, as originally certified by said Commissioners, on or before the 1st January next; and that the Secretary of the Senate be directed to furnish B. B. Ford, Clerk of said County Court, with a copy of the foregoing resolution forthwith.

Which being twice read, was adopted.

Mr. Wickliffe read and laid on the table the following rules, viz :

1. A committee to consist of three members of the Senate shall be appointed, to be styled and called the Committee on the Sinking Fund, whose business it shall be to take into consideration all matters connected with or relating to the Sinking Fund.

2. A committee to consist of three members of the Senate, to be styled and called the Committee on Foreign Relations, whose business it shall be to take into consideration all matters relating to the intercourse between this State, the National Government, and the States of the Union, or Foreign Countries.

3. A committee to consist of three shall be appointed, to be styled and called the Committee on Executive Affairs, whose business it shall be to take into consideration all matters connected with the Secretary of State's Office, and matters connected with Executive proceedings.

The rule of the Senate requiring the same to lay one day on the table being dispensed with, the first and third rules were twice read and adopted, and the second was laid on the table for the present.

Ordered, That the bill to amend an act, providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of jurors, approved February 15, 1838, and for other purposes, be placed in the orders of the day; and thereupon said bill was ordered to be engrossed and read a third time.

An engrossed bill, entitled, an act for the relief of the Northern Bank of Kentucky, was read the third time.

The question being taken upon the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Weller and Wingate, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,	De Courcy,	Morgan, J. S.
Messrs. Anderson,	Ford,	Murrell,
Ballinger,	Guthrie,	Payne,
Barlow,	Huston,	Roberts,
Bradshaw,	Jesup,	Wallace,
Clarke,	Johnston,	Wickliffe,
Davidson,	Morgan, D.	Williams—21.

Those who voted in the negative were—

Messrs. Burnett,	Pratt,	Walker, C. J.
Hughes,	Sterett,	Weller,
James,	Tomlinson,	Wingate—10.
Jasper,		

Ordered, That the title of the said bill be amended to read, "an act for the relief of the Banks of Kentucky."

An engrossed bill, entitled, an act to authorize a loan in aid of the public credit, and for other purposes, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage thereof by Messrs. Guthrie and Ballinger, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Jesup,	Pitts,
Messrs. Ballinger,	Johnston,	Roberts,
Clarke,	Morgan, D.	Wallace,
Davidson,	Morgan, J. S.	Walker, C. J.
De Courcy,	Murrell,	Walker, J. V.
Ford,	Payne,	Wickliffe—19.
Hughes,		

Those who voted in the negative were—

Messrs. Anderson,	Huston,	Sterett,
Barlow,	James,	Tomlinson,
Bradshaw,	Jasper,	Weller,
Burnett,	Pratt,	Williams,
Guthrie,	Schooling,	Wingate—15.

Engrossed bills of the following titles were severally read a third time, viz:

An act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes.

An act reducing the number of Justices of the Peace in Russell county.

An act for the divorce of Nelson Dyer.

An act allowing Willis Blanton, Surveyor of Franklin county, further time to give bond.

An act for the benefit of the Surveyor of Bullitt county.

An act to regulate Clerk's fees in certain cases.

An act providing for the apprehension and detention of fugitives from justice from other States.

An act authorizing the sale of a Seminary lot, and the building thereon, in the county of Henry.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

An engrossed bill, entitled, an act for the benefit of Elizabeth Ward, was read the third time.

The question being taken on the passage thereof, it was decided in the negative, and so the said bill was rejected.

Mr. Weller presented the petitions of sundry citizens of Livingston, Caldwell, Hopkins and Union counties, praying the establishment of a new county out of parts of said counties.

Which were received, the reading thereof dispensed with, and referred to the committee on Propositions and Grievances.

A bill from the House of Representatives, entitled, an act for the benefit of Abner Belton, was read the third time, as amended.

Resolved, That the said bill do pass, and that the title be amended to read, "an act authorizing the purchase of 100 sets of Morehead and Brown's Digest, and the distribution thereof among such Justices of the Peace as have not received the same."

Bills from the House of Representatives of the following titles, were severally read the third time, viz :

An act to have the line run and marked between the counties of Montgomery and Clarke.

An act for the benefit of Joshua Holsclaw.

An act for the benefit of America Pearson.

An act for the benefit of Harriet Wilkerson.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of Rachel Blumenthal, was read the first time.

The question being taken on reading the said bill a second time, it was decided in the negative, and so the said bill was disagreed to.

A resolution from the House of Representatives to appoint a joint committee to examine Transylvania University and the Lunatic Asylum—was taken up for consideration, and the same being amended by adding thereto the Deaf and Dumb Asylum at Danville—was concurred in.

A resolution from the House of Representatives directing the committee on Banks to enquire into the condition of the Commonwealth's Bank—was taken up, twice read and concurred in.

Bills from the House of Representatives of the following titles, viz :

1. An act to establish the county of Fulton, and for other purposes.
2. An act to incorporate the Bethlehem Methodist Episcopal Church in the county of Monroe, and for other purposes.
3. An act for the benefit of Abraham Ellington.
4. An act to allow one additional Justice of the Peace to Whitley county, and for other purposes.
5. An act for the benefit of Maria McCaleb.
6. An act for the benefit of Obediah Johnston.
7. An act for the benefit of Ezra Richmond.
8. An act for the benefit of Louisiana Esters.
9. An act to change the name of Thomas Farrer to that of Thomas F. Daniel.
10. An act allowing three additional County Courts to the county of Garrard.
11. An act to reduce the number of Justices in Henry county.
12. An act to amend an act, entitled, an act to regulate the election of Trustees for the town of Port Oliver, in Allen county.
13. An act to establish an election precinct in Clay county.
14. An act for the benefit of John F. Gooch.
15. An act to amend the law concerning sealed instruments.
16. An act to establish an additional election precinct in Campbell county.
17. An act to change the place of voting in an election precinct in McCracken county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st was referred to the committee on Propositions and Grievances; the 2d, 4th, 8th, 9th, 10th, 11th, 12th, 14th, and 15th, to the committee on the Judiciary; the 3rd, 5th and 6th, to the committee on Religion; the 7th, to the committee on Military Affairs; the 13th, 16th and 17th, to the committee on Privileges and Elections.

Mr. Weller read and laid on the table the following resolutions, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Attorney General for the Commonwealth, and he is hereby required, to issue a *scire facias* in the name of said Commonwealth, against the Bank of Kentucky, the Northern Bank of Kentucky, the Bank of Louisville, and the Savings Bank of Louisville, to show cause, if any they have or can, why their charters shall not be declared forfeited, in conformity to the several acts incorporating said institutions, returnable before the next general court of said State, unless said Banks shall, within thirty days from the passage of this resolution, pay, in specie, all their notes of five dollars, and of less denomination, which may be demanded; and un-

less said Banks shall agree, and so inform the Attorney General, that on or before the first day of June next, they will resume and continue to pay all their notes, and other liabilities, in specie, which may be payable when demanded.

Resolved further, That should either of said Banks, at any time after the first day of June next, either fail or refuse to pay their notes, and other demands, in specie, when required, said Attorney General shall sue out a *scire facias* against said Banks, in order to forfeit their charters, or any of them, so failing or refusing, according to the provisions of their charters, upon receiving information of such failure or refusal, returnable before the next General Court of this Commonwealth thereafter next succeeding.

A message was received from the House of Representatives, announcing their concurrence in the amendment proposed by the Senate to a resolution from that House, to appoint a committee to examine Transylvania University and the Lunatic Asylum.

Whereupon, Messrs. Anderson and Jesup were appointed a committee, on the part of the Senate, to examine Transylvania University and the Lunatic Asylum; and Messrs. Tomlinson and Jasper were appointed a committee on the part of the Senate, to examine the Deaf and Dumb Asylum at Danville, pursuant to said resolution.

And then the Senate adjourned.

WEDNESDAY, JANUARY 1, 1840.

The Speaker took the Chair, and there not being a quorum present, the Senate adjourned.

THURSDAY, JANUARY 2, 1840.

The Speaker took the Chair, and there not being a quorum present, the Senate adjourned.

FRIDAY, JANUARY 3, 1840.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate, to a bill from that House, entitled, an act for the benefit of indigent children received in the City Hospital of Lexington.

And that they had passed bills of the following titles, viz:

1. An act to amend the law in relation to collecting tax on law process.
2. An act for the benefit of the Winchester and Lexington Turnpike Road Company.
3. An act for the benefit of the late Sheriff of Daviess county.
4. An act for the benefit of N. S. Robertson, and for other purposes.
5. An act to amend an act to organize two Fire Companies in the town of Lexington.
6. An act for the benefit of Mary Jackson.
7. An act for the benefit of Anderson Wade.
8. An act for the benefit of William B. Wallace.
9. An act to incorporate Pleasant Hill Meeting and School House, in Warren county.
10. An act to establish a State road from the mouth of Salt river, by way of Grayhampton and Big Spring, to intersect the Bowlinggreen road.
11. An act to amend an act, entitled, an act to construct a turnpike road from Burlington to Florence, and for other purposes.
12. An act to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a Railroad between the said city and river.
13. An act for the benefit of Harvey Hazlerigg.
14. An act for the benefit of Thomas F. Thornton and Herman Bowmar.
15. An act for the benefit of George W. Anderson.
16. An act for the benefit of William T. Sharp.
17. An act to establish election precincts in the county of Breathitt.
18. An act to amend an act, entitled, an act to establish the county of Carroll, approved February 9th, 1838.
19. An act authorizing the appointment of county Treasurer in Harrison county.
20. An act authorizing the Commissioners of the Sinking Fund, and the Board of Education to sue and be sued.
21. An act to establish an election precinct in the county of Lewis, and for other purposes.

22. An act to allow an additional Constable to the county of Trigg.

And that they had adopted a resolution to fire a national salute on the 8th instant.

The said bills were severally read the first time, and except the 2d, 6th, 7th and 8th, ordered to be read a second time.

The question being taken on reading the 6th, 7th and 8th a second time, it was decided in the negative, and so the said bills were disagreed to, and the 2d was laid on the table.

The constitutional rule as to the second reading being dispensed with, the 1st and 3rd bills were referred to the committee of Finance; the 4th, 5th, 19th and 22d, to the committee on the Judiciary; the 9th to the committee on Education; the 10th, 11th and 12th, to the committee on Internal Improvement; the 13th, 14th, 15th and 16th, to the committee on Military Affairs; the 17th and 21st, to the committee of Privileges and Elections; the 18th to the committee of Propositions and Grievances; and the 20th was ordered to be read a third time.

The constitutional rule as to the third reading of the 20th being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following standing committees were appointed, viz:

On the Sinking Fund—Messrs. Wickliffe, Hughes and C. J. Walker.

On Executive Affairs—Messrs. Burnett, Huston and Barlow.

The Speaker laid before the Senate the following communication from the Receiver of Public Moneys west of the Tennessee river, viz:

FRANKFORT, 28th December, 1839.

SIR:

In accordance with an act of Assembly, approved 23d day of February 1839, I this day deposited in the Land Office, the Receiver's books for the entry of Lands west of Tennessee river.

Very respectfully,

Your obedient servant,

EDMUND CURD,
Receiver Public Moneys W. T. R.

HON. SAMUEL HANSON,

Speaker of the Senate.

The Speaker laid before the Senate the following report of the President of the Lexington and Ohio Railroad Company, viz:

LEXINGTON AND OHIO RAILROAD OFFICE, }
Louisville, Dec. 31st, 1839. }

SIR:

I herewith enclose to you, a statement of some of the transactions and affairs of the Company, both before and after the 12th of December, 1837,

together with my answers* to the seventeen queries propounded by the Honorable Senate of Kentucky to me, to which, in a postscript, I have annexed, as near as I could at this time, a list of the debts and liabilities of the Company, &c. which you will be pleased to lay before that Honorable body, over which you preside, and believe me to be,

Very respectfully, sir,

Your most obedient servant,

LEVI TYLER,

President Lex. & Ohio Railroad Company.

To the Hon. SAMUEL HANSON,

Speaker of the Senate.

To the Honorable Senate of Kentucky:

GENTLEMEN: As President of the Lexington and Ohio Railroad Company, I make the following statement of the transactions and affairs of the Company, before the 12th of December, 1837, and of some of the transactions thereof afterwards, in order that his responses to the queries directed to be put to him, by your honorable body, on the 18th of December, 1839, may be the better understood, and the difficulties and embarrassments the company has had to encounter, since I became the President thereof, the more fully comprehended, to-wit: The Railroad from Lexington to Frankfort being completed, and the President and Directors of the Company being desirous to extend the road to Louisville, an agreement was, on the 11th of April, 1835, entered into between the Company and the authorities of the city of Louisville, a copy of which, marked A, accompanies this communication, as part thereof, by which it will appear that the city of Louisville agreed to subscribe for 2,000 shares of the capital stock of said Company, and to pay for the same as it should be required by the President and Directors thereof, who were to locate the road as soon as convenient from Louisville to Frankfort, and commence said road in Jefferson street of Louisville, and extend the same by a continuous line to Frankfort; and on or about the 28th of December, 1835, the city of Louisville subscribed for the 2,000 shares of stock under said agreement; and the Legislature of Kentucky, by an act passed and approved the 29th day of February, 1836, having authorized a subscription on behalf of the Commonwealth of Kentucky, of 2,000 shares of the stock in said Company, on the same terms and conditions that the city of Louisville had subscribed, the subscription was made on the 11th day of April, 1836, as appears by the stock ledger of the company. The road had not been permanently located further than Frankfort, and John Lutz, Esq. was employed to retrace the experimental lines that had been first run, and to run others as he might think right, which he done; but not being a practical engineer, he would not undertake the superintendence of the completion of said road, and the Company employed Thos. F. Purcell, Esq. as engineer, who made the location of said road from Frankfort to Jefferson street, in the city of Louisville, and which was acted on by the Board of President and Directors of said Company, and the work commenced.

It is understood, that in order to extend the road from Jefferson street, in Louisville, to Frankfort, three routes were surveyed and estimated by the

engineer; the first turned from Jefferson street south, and crossed the south fork of Beargrass creek; the second turned a little north, and crossed main Beargrass creek; and the third turned still more north, crossing said creek, and was intended to climb the hill near the Ohio river, by a long inclined plane; the first was the longest route, the second was the shortest, and the third the most expensive and difficult route; and on the estimate of Mr. Purcell, the second or middle route was selected by the Board of Directors, and the bridge across Beargrass creek, and the grading of upwards of seventeen and a half miles of said road extending from Jefferson street towards Frankfort, was put under contract, and contracts were made for timber and fine broke stone, a bridge across the Kentucky river at Frankfort, and the grading of about eight miles of said road, up Benson creek towards Louisville, from said river, was put under contract; and several other large contracts were made for timber, &c. to remodel the road from Lexington to Frankfort, &c. in violation of the agreement aforesaid, under which the city of Louisville subscribed for stock in said Company; and dissatisfaction arising as to such application of the money, and as to the three dividends declared by the President and Directors of the Company, a meeting of the stockholders was called, and took place at the office of said Company, in the city of Lexington, agreeably to the provisions of the charter, on the 9th day of October, 1837, and the stockholders passed certain resolutions at said meeting, and appointed a committee to state the accounts of the Company, as in said resolutions directed, and adjourned until the 20th day of November, 1837, to which adjourned meeting the committee reported on the accounts of the company, and the stockholders then referred the said accounts of the Company, from the commencement, to the arbitration of Judges Owsley and Robertson, and Sylvester Welch, Esq. Chief Engineer of the State of Kentucky, and empowered and requested them to examine and decide whether the President and Directors had at any time or times improperly declared and divided dividends amongst the stockholders; and that they should have full power to decide the amount, if any, so improperly declared and divided, and should determine the mode by which the dividends, so improperly made, if any, should be refunded to the Company; and at the same time they resolved, that the next Legislature should be petitioned to reduce the number of Directors, including the President, to five; and also, for authority to borrow a sufficient sum of money to complete the road, on the credit of the Company, and with the guaranty of the State for the ultimate payment of the principal, and the interest, in the mean time, on such equitable terms and conditions as the President and Directors of the Company, and the General Assembly should agree on; and recommended the said President and Directors to suspend the business of the road from Lexington to Frankfort, if it should appear that the current receipts were less than the monthly expenses, exclusive of the interest on money borrowed, and salary of the President and other necessary officers, &c.: and further, that said President and Directors be instructed to suspend, as far as practicable, without damages, such contracts as might appear desirable to decrease the liability of the Company.

That Messrs. Owsley, Robertson and Welch, made the award communicated in my annual report to the Governor and Board of Internal Improvement of the State of Kentucky, and by the Governor communicated to the Legislature at its present session, and they decided that there was at neither

of the times when dividends were declared, upon proper principles, any surplus of profits to divide, &c. as stated in said award; and which award was reported to the President and Directors of the Company, who received, approved of, and spread the same on their minutes; that the Legislature, on the application made in pursuance of the resolution of the stockholders, passed an act amending the charter of the Company, reducing the number of Directors, including the President, to five; and on the 12th day of December, 1837, at a meeting of the stockholders, at the office of the Company, in the city of Lexington, agreeably to the provisions of the charter, five Directors were chosen by the stockholders, under the said amended charter, to-wit: Levi Tyler, William A. Cocke, and James Guthrie, of Louisville, and Jacob Ashton and Edward P. Johnson, of Lexington; and they elected Levi Tyler as President of said Company. The new Directory reduced the expenses of the Company as far as they could, and run the road from the 12th of December, 1837, to the 18th of January, 1838, and found the expenses to exceed the receipts; and believing that they could not run the road and make money, they determined to lease it out, and made the lease to Philip Swigert & Co., a copy of which was communicated to the Governor, and which he has laid before the Legislature at its present session. It seems from the books of the Company, that the road from Lexington to Frankfort cost the sum of \$546,642 48, or about that sum, and that the President and Directors of the Company, before the 12th of December, 1837, had paid out for that part of the road from Frankfort towards Louisville, the sum of \$167,081 20, or about that sum, and paid over to the Board elected on the 12th of December, 1837, the sum of \$6,155 62 in cash, and left uncollected from the Commonwealth of Kentucky, on her stock, \$60,000, and from the city of Louisville, on her stock, \$30,000; and they had received for passengers, freight, &c. to the said 12th of December, 1837, the sum of \$100,716 61; and the account with the Company seems then to have stood thus:

For this sum received from the stockholders,	-	-	\$345,530 00
For this sum of the city of Louisville, on her stock,	-	-	170,000 00
For this sum of the Commonwealth, on her stock,	-	-	140,000 00
For this sum from forfeited stockholders,	-	-	33,677 75
For this sum borrowed on guaranty of the State,	-	-	150,000 00
For this sum for sale of lands of the Company,	-	-	2,363 91
For this sum for passengers, freight, &c.,	-	-	100,716 61
Total amount received,			\$942,288 27
And they should be credited by the cost of the road from Lexington to Frankfort,	-	\$546,642 48	
And the amount paid for the road from Frankfort to Louisville,	-	167,081 20	
And the amount paid to the new Board,	-	6,155 62	
And for interest, and expenses, &c., paid,	-	134,909 78	
			<hr/> 854,789 08
Balance,	-	-	<hr/> \$87,499 19

The three dividends declared by the President and Directors, the first being $4\frac{1}{2}$ per cent. on \$80 paid on each share, on the 20th day of July, 1835; the second, of two per cent. on \$90 paid in on each share, on the 7th day of January, 1836; and the third, of four per cent. on \$100 dollars paid on each share, on the 30th day of December, 1836. The first and second dividends were credited on the stock accounts, and the third was paid in money to the stockholders who had fully paid up their stock, and those that had not fully paid up, had the amount passed to their credit in part payment of their stock. The whole amount thus credited to stock, and paid out as dividends, amounted to \$34,975 69 cents, which being deducted from the balance of \$87,499 19, leaves the sum of \$52,523 50 which the Company lost by running the road, and paying interest on money borrowed, before the 12th of December, 1837, when the new Board of Directors were elected under the amended charter, as asked for by the stockholders themselves. If the aforesaid sum of \$87,499 19, and \$53,449 85 expended and to be expended on the bridge across the Kentucky river at Frankfort, and the \$189,537 57, for grading the eight miles of said road up Benson creek, had been expended in extending the road from Jefferson street, in Louisville, towards Frankfort, according to the agreement aforesaid between the Company and the City of Louisville, it would have completed, in the best manner, about twenty miles of said road, and the Company would now be in the receipt of a large amount of money therefrom, and be able to pay the interest on money borrowed by the Company on the guaranty of the State, and the other debts against the Company. When the new Board of Directors came into office, on the 12th of December, 1837, they found that there had been contracts made and in progress for the construction of that part of the road from Frankfort to Louisville, by their predecessors, as follows, to wit: For the bridge across the Kentucky river at Frankfort, \$53,449 85; for the grading, &c. of about eight miles of said road up Benson creek, \$189,537 57; for the grading, &c. of about $17\frac{1}{2}$ miles of said road from Jefferson street, in Louisville, towards Frankfort, \$90,790 60; for the bridge across Beargrass creek, \$27,700 68, then nearly, and soon afterwards completed and finished; for the furnishing of fine broke stone for the whole of said $17\frac{1}{2}$ miles of said road, \$ —, and \$14,750 12, actually paid out for stone delivered according to said contract; for the wooden sills and cross ties for the same piece of said road, which were delivered and paid for according to contract, \$15,653 78; for the completion of the Portland division of said road, about \$35,000; for the purchase of lots and lands near Louisville, for the use of the company, the sum of about \$12,000. And they had paid for damages for right of way, \$16,574 20; and for the Engineer Department, the sum of \$17,213 12; besides other charges and expenses, &c. for locating said road, &c., amounting in all to upwards of \$474,469 92; and all to be paid for out of the stock of the city of Louisville and State of Kentucky, amounting to \$400,000, and no more, out of which the three dividends had been paid, the interest on the money borrowed, and the loss of running the road as hereinbefore stated; and they not being able to see how they could carry on said work and pay therefor, according to the several contracts, they directed the President to stop the same, and to make the best arrangements he could with the contractors, and get the company released from them, with as little loss as possible, on account of stopping them from progressing further with said work under their contracts, for the want of the means to

pay therefor, which he endeavored to do immediately; and he succeeded in every instance except one, to wit: that for furnishing fine broke stone as hereinbefore stated, and for which there is a suit now depending in the Louisville Chancery Court against the company, to recover the sum of \$2,833 75 cents, the balance alledged to be due for fine rock, actually delivered agreeably to contract, and for damages for failing to go on therewith, &c.

The President had to pay to some of the contractors the sum of \$3,728 48 by way of damages, and got the company released and discharged from the contracts, and it was the very best that he could do with them; and he is of opinion that, by his management and arrangements with the contractors, he has saved to the company a very large amount, probably not less than from thirty to forty thousand dollars.

And now the President proceeds to answer the interrogatories addressed to him by your honorable body, as follows, to-wit:

First. What is the distance and course from where the tract of the said railroad leaves the Middletown and Louisville road, crossing Beargrass to Jefferson street?

Answer. He says that the distance from where the railroad crosses the Shelbyville and Louisville turnpike road, (which he supposes is the road aluded to,) to where it touches Jefferson street, is a little short of two miles, and the course a little south of west; it is nearly a straight line.

Second. What is the elevation from the departure from the Middletown and Louisville road, aforesaid, into Jefferson street?

Answer. He says there is no elevation from where the road crosses the Middletown and Louisville road, aforesaid, to Jefferson street; on the contrary, there is a descent, and he has understood that the grade, for about one and a quarter miles, is at the rate of about forty eight to fifty feet to the mile.

Third. What is the depth and length of the cuts from said point to the bridge across Beargrass? What is the length and *height* of the fill or fills necessary to cross Beargrass?

Answer. He says there is no Engineer in the employ of the company, and he has not been able to find a report of the Engineer on file, stating the depth and length of the cuts between those points. The railroad bridge across Beargrass is 435 feet in length, and is built upon three pillars and abutments, bringing the bridge a little above the natural surface of the earth at the east side, and not quite up to it on the west side of the creek, and there is no fill of any consequence at either end of the bridge.

Fourth. What is the height or elevation of the bridge across Beargrass?

Answer. I don't know, not having been able to find the report of the Engineer, which I suppose would give it, and it was built before I came into office, and don't now recollect ever to have heard what it was.

Fifth. What has been expended, and what more or further sum will be required to overcome the elevation, and complete the bridge and road into Jefferson street? Through whose lands does the said road pass, from the Louisville and Middletown road, into Jefferson street.

Answer. The bridge cost \$27,700 68, and the grade has cost \$22,628 75, and it is estimated by the Engineer, and such was the contract price, that \$5,300 would complete the grade, and \$100 the fills at the bridge. The road passes through the lands of John Edwards, William Pope, James Guthrie, William H. Pope, and the devisees of Eliza Collins, dec'd. John Edwards and

James Guthrie released without compensation, and the others required payment for their land, and damages.

Sixth. What is the distance from where the railroad enters Jefferson street, pursuing that street to its terminus, thence to Portland? What is the distance from the same point to 6th street; thence to main street; thence to Portland, the proposed way of the road?

Answer. By the contract with the city of Louisville, the road was not to run down Jefferson street below Twelfth street; and if it went down that street further than Twelfth street, it would not pass in the direction of Portland; it should diverge from Twelfth street, or a little above that point, and connect with the present road at Thirteenth street, and it would be about four miles and a quarter from where it first touches Jefferson street to Portland, by that route, and not more than five or six hundred feet further to diverge and connect with the present road at Main, near Sixth street. The above is not made from actual survey, and may be a few hundred feet more or less.

Seventh. What salaries, and to whom paid, are, and have been allowed, under the new charter?

Answer. On the 12th day of December, 1837, when this respondent was elected President, A. O. Newton was employed and acting as Secretary and Treasurer, at \$1,000 per year; Charles B. Lewis, as Agent of transportation and superintendent of the machine shop, at \$2,000 per year; a Clerk in the ware house and ticket office in Lexington, at \$800 per year; and a servant at the same place, at \$20 per month; the President was receiving \$1,600 per year; and there was in the employ of the company, two drivers, six ostlers, several persons on the repairs of the road, two persons at the inclined plane at Frankfort, three hands in the machine shop in Lexington, at prices ranging from \$20 to \$40 per month, most of them, I believe, were at \$20 per month; the Principal Engineer, at \$4000 per year; two Assistant Engineers, at \$1,250 per year each; and several others connected with the engineer department, as well as he now recollects. When the road was leased, on the 18th of January, 1838, the Secretary and Treasurer, the Agent of transportation and the Superintendent of the machine shop, the Clerk and servant in the warehouse and ticket office in Lexington, the six ostlers, two drivers, those employed on the repairs of the road, and the two hands at the inclined plane, were all discharged. The three hands in the machine shop were not then discharged; but after some work that they were then employed at was finished, one of them was discharged, and the other two retained, it being necessary to have said shop, tools, and other property, taken care of, and kept in order, to preserve them from injury or loss, and they are kept employed in repairing, &c. for Philip Swigert & Co., and do not bring the company in debt. In May, 1838, as soon as the contracts could be closed and settled, as herein before stated, for which purpose the Engineer and Assistants were necessary, they were discharged, with all persons in their employ, and some of them long before that time; after which time there was no officer in the company receiving a salary, except the President, who also discharged the duties of Treasurer, both before that date, in part, and since, entirely, and he receives a salary of \$1,600 per year. One of the Directors, at the meetings of the Board, generally acts as Secretary, without charge therefor; and at all other times the President attends to it himself, and has it attended to by another occasionally to write up the books, &c.

The road, from Louisville to Portland, was put into operation some time in May, 1838, and an Engineer, on the locomotive, and an Assistant, was employed to run the cars by steam; a Conductor, a person to keep a ticket office, about three hands on the repairs of the road, a fireman, a breakman, and a hand to saw wood and pump water for the locomotive, &c. When the company were enjoined from using the road, they were all discharged, and when the Court of Appeals reversed the decision of the Chancellor, such of them as were necessary for running the road, were again employed, and are now in the service of the company. The cost of running the cars on the road being about twenty to twenty five dollars per day, according to circumstances.

Eighth. What has become of the books, papers and personal property of the company?

Answer. The books and papers of the company are in the possession or control of the President and Directors of the company, and so is the personal property of the company, except the cars, &c., leased to Philip Swigert & Co., which are in their possession, under the lease.

Ninth. What contracts has he made committing the company, and to what amount has he committed the company, and for what objects?

Answer. He has made no contracts committing the company, which were not authorized by the directors, or necessary to the running the road. The house and lot on the corner of main and 6th streets, in Louisville, was purchased of William Mackey, of Maysville, at \$12,000 for the company, and \$6,000 thereof paid in hand, and the balance is unpaid, and is a lien on the property; and he made contracts to repair and alter the house, and improve the same, for the convenience and use of the company, at a cost of about \$2,500; and \$1,133 66, part thereof, remains unpaid. He also purchased 315 feet of ground in Portland, fronting on water street, and extending to the Ohio river, at low water mark, for the sum of \$12,600, for the use of the company, and to enable them to connect the road with the Ohio river at Portland, and paid \$3000, part thereof, and the balance remains unpaid, and is a lien on the property; and for the purpose of carrying on, towards its completion, the bridge across the Kentucky river at Frankfort, \$10,000 was borrowed from the Northern Bank of Kentucky, and \$10,000 from the Bank of Kentucky, and which has been applied to that object; and a further sum of \$20,000 from the Board of Internal Improvement of Kentucky, as authorized by a law of the last session of the Legislature, for the purpose of progressing with said bridge, \$12,500 of which has been obtained and applied to that object, and \$2,500 of the balance drawn for in payment for work done on said bridge; and those sums are outstanding and unpaid by the company, upon the guaranty of the city of Louisville. He has made other contracts, in closing unsettled business of the company, contracted before he became the President thereof, whereby he believes he has saved to the company many thousand dollars. He also made contracts connected with finishing and running the road to Portland, and for building engine, and other houses, for the horses and cars, for the use of the company, digging and walling a well, and putting a pump therein, &c. to furnish water for the locomotive—in fact, under the authority and direction of the Directors, he has done every act and thing that was deemed advantageous, and calculated to promote the interest and welfare of the company, according to the best of his skill and ability.

Tenth. Has he aliened or mortgaged to the city of Louisville, the said railroad and its personal property, or any part of it, and for what consideration, and by what authority, and to file the mortgage or deed with his answer?

Answer. He did mortgage the whole railroad, and all the property, both real and personal, to the city of Louisville, under the authority and by the order of the Board of Directors, and by authority of an act of the General Assembly of Kentucky, and the consent of the stockholders of the company, obtained for that purpose, to secure the said city of Louisville for guaranteeing the \$10,000, borrowed of the Northern Bank of Kentucky, the \$10,000, borrowed from the Bank of Kentucky, and such other sums as the said city should guaranty as stated in the mortgage; and since its execution, has obtained the guaranty of said city, upon the bond of the company for the \$20,000 to the Commonwealth of Kentucky, as authorized by a law of the last session of the Legislature; and the city of Louisville is only entitled to indemnity for the \$40,000 under the mortgage to her, which is duly recorded in the Clerks' offices of the county courts of Jefferson, Franklin, Woodford, and Fayette counties, and the city holds the original, I suppose, and respondent has no copy to file.

Eleventh. How much cash and personal property, or debts and credits, belonging to the company, hath he received?

Answer. He has received, from all sources, \$177,341 25; and he has paid out \$176,820 79, up to the 16th day of November, 1839, leaving the sum of \$520 46 in his hands on that day, as exhibited in the statement before made.

Twelfth. To what uses and purposes hath he applied the locomotives belonging to the company, and where are they at this time?

Answer. He has applied the locomotives to the uses or purposes of the Company in running the road from Louisville to Portland, except when said road was stopped by an injunction; he then, with the consent of the Directors of the company, let the persons who were in charge of the Madison and Indianapolis railroad, in the State of Indiana, who had lost theirs at sea, have the use of one of the locomotives, for the purpose of exhibiting the use and advantage of running steam cars on their railroad, before the meeting of their Legislature in the winter 1838; and afterwards he hired the use of it, for sixty days, to them, for which he received \$300, and at the end of this time, they returned said locomotive, &c. (our own Engineer having been in charge of it all the time, and in their pay,) in good order, into the car house of the company, in the city of Louisville; and it is now in the use of the company running on the railroad from Louisville to Portland.

Thirteenth. That he state what amount hath been paid for stock by the city of Louisville, and to what amount is the city a stockholder?

Answer. The city of Louisville has paid \$200,000 for stock, and is a stockholder to the amount of 2,000 shares; and she gave up to the railroad company, that portion of the Louisville and Portland turnpike road, which she had purchased at \$ —, under an agreement that the railroad company would give to the city of Louisville an equal amount in stock, which has not yet been done.

Fourteenth. That he state to what amount are the citizens of Louisville stockholders, and how much have they paid? at what times hath the city and Louisville stockholders made payments?

Answer. He is not aware that the citizens of Louisville, individually, hold any stock in the company, except those who have removed from Lexington to Louisville, and a few shares that were transferred to citizens of Louisville, to enable them to act as Directors of the company. The city of Louisville made payments for her stock as follows, which is taken from the stock ledger of the company, to wit:

April 11th, 1836,	-	-	-	-	-	\$20,000
September 7th,	-	-	-	-	-	20,000
January 4th, 1837,	-	-	-	-	-	20,000
May 4th,	-	-	-	-	-	20,000
June 25th,	-	-	-	-	-	20,000
August 8th,	-	-	-	-	-	20,000
September 8th,	-	-	-	-	-	20,000
October 9th,	-	-	-	-	-	10,000
November 16th,	-	-	-	-	-	20,000
December, 19th,	-	-	-	-	-	20,000
January 24th, 1838,	-	-	-	-	-	10,000
Making in all,	-	-	-	-	-	<u>\$200,000</u>

Fifteenth. What amount has he received as tolls, or otherwise, from the said road?

Answer. There was received, as tolls, by the late Treasurer, from the 12th of December, 1837, to the 18th January, 1838, \$1,758 10, which he paid out for the purposes of the company; and this respondent has received from Philip Swigert & Co., for rent of the road up to the first of November, 1839, the sum of \$10,144 76; and he has received for tolls, on the Portland division of the road, up to the 16th of November, 1839, the sum of \$16,110 73; and he has received, otherwise, \$151,085 76, making in all that he has received, as before stated, \$177,341 25; of which he has paid out as before stated, \$176,820 79; leaving in his hands, on the 16th day of November, 1839, the sum of \$520 46.

Sixteenth. Has he leased or let said road, or any part of it? If yes, then state the terms, to whom let, and file a copy of the lease.

Answer. That part of the road from Lexington to Frankfort, has been rented to Philip Swigert & Co., and the copy of the lease was transmitted to the Governor with my annual report, who has laid the same before the present Legislature, and the terms and conditions are therein fully and plainly set forth in said lease.

Seventeenth, and lastly. By what means or process is it contemplated to reach the Ohio river, from main street in Louisville, and from the terminus at Portland?

Answer. It is contemplated, as far as I understand, to reach the Ohio river from main street, in Louisville, and from the terminus at Portland, having the right of way for that purpose, by the process of extending the road, and laying down the rails to those points, as near to the Ohio river as the nature and character of the ground will permit.

LEVI TYLER,

President of the Lexington and Ohio R. R. C.

DECEMBER 31, 1839.

State of Kentucky, Jefferson county, set :

This day, Levi Tyler, President of the Lexington and Ohio Railroad Company, came, in his proper person, before the undersigned, a Justice of the Peace in and for said county, and made oath that the answers given by him, as of his own knowledge, to the seventeen interrogatories contained in the foregoing statement, and propounded to him, as the President of said company, by the honorable Senate of Kentucky, are true, to the best of his knowledge, recollection and belief at this time, and so far as stated from the information of others, he believes to be true. Given under my hand and seal this 31st day of December, 1839.

R. TYLER, J. P. J. [SEAL.]

P. S. I understand the debts against the Lexington and Ohio Railroad Company to be as follows, as far as I can now recollect them, to wit :

To the Bank of Kentucky, - - - - -	\$10,000 00
To the Northern Bank of Kentucky, - - - - -	10,000 00
To the Commonwealth of Kentucky, (only \$12,500 being actually paid, up to the 16th November, 1839, and \$2,500, drawn for since,) all three of these sums are guaranteed by the city of Louisville, and for which she has the first lien under the mortgage to her from the company, - - - - -	20,000 00
To this sum, guaranteed by the State of Kentucky, and for which she has a lien next after the city of Louisville, - - - - -	150,000 00
To William Mackey, and for which he has a lien in the deed, on the 55 feet by 100 feet of half acre lot on the north-east corner of main and 6th streets in Louisville, due, - - - - -	6,000 00
To Willard Arnold, and for which he has a lien in the deed, on 315 feet of ground in Portland, one half due and sued for, to subject the ground to payment thereof, - - - - -	9,600 00
To James D. Wolfe's estate, for sundry lots purchased of him before the 12th December, 1837, with a lien in the deed on said lots, part due and sued for, - - - - -	8,395 75
To balance due the mechanics and others, for improvements on lot, corner of main and 6th streets, in Louisville, and suit under the lien law, about - - - - -	1,133 66
To balance due the Contractors on the road, and part sued for, about - - - - -	4,628 00
To Peter Dudley, for balance due him for warehouse in Frankfort, at the foot of the plane, judgment, - - - - -	844 00
To — judgment Franklin circuit court, about - - - - -	1,000 00
To H. Burden, agent of Troy iron works, for iron spikes delivered before the 12th December, 1837, - - - - -	925 00
To Bridgford, Ricketts & Co. for castings, &c., - - - - -	902 39
To Thos. F. Purcell and others, Engineer Department, about - - - - -	2,443 50
To sundry other claims, contingences, &c., supposed, besides the interest paid by the State on her guaranty, - - - - -	4,128 00
	<u>\$230,000 00</u>

There are some old notes and accounts due to the company, amounting to about \$2,746 77, out of which but a small amount will ever, in my opinion, be realized. There is a suit depending in the Louisville Chancery Court, to recover back the three dividends referred to in my statement to the Senate.

LEVI TYLER, *President, &c.*

[*A copy of an agreement referred to as part of the statement of the President of the Lexington and Ohio Railroad Company.*]

AGREEMENT made and concluded into this eleventh day of April, 1835, between the Lexington and Ohio Railroad Company, of the first part, and the city of Louisville, of the second part, witnesseth:—That the Railroad Company engages to procure, as soon as practicable, the services of a competent Engineer to survey the route for the railroad between Louisville and Frankfort, and take measures to procure the right of way for the road between the two points: and, if the right of way can be secured, upon terms deemed reasonable by the Railroad Company, they will notify the Mayor and Council of Louisville thereof; whereupon, the City of Louisville engages immediately to subscribe for two thousand shares to the capital stock of said Company, for which the Railroad Company will issue certificates and admit the City of Louisville a stockholder, to enjoy all the privileges of an original subscriber. The City of Louisville promises to pay for said two thousand shares of stock, at such times, and in such sums, as in the judgment of the Railroad Company will be necessary for the speedy prosecution of the work, the Railroad Company giving thirty days previous notice, in writing, to the Mayor and Council of Louisville, of each call made upon them. The Railroad Company further undertakes, as soon as convenient, after the surveys and estimates are made, and the right of way secured, to have said road constructed as expeditiously as the means of the Company will allow, commencing the superstructure in Jefferson street, between Ninth and Twelfth, both inclusive, in the City of Louisville, and advancing up Jefferson street, by a continuous line, to Frankfort. The City of Louisville agrees to permit said Company to enter and pass through said street, as aforesaid, and, moreover, to permit said Company to lay down a double track, in such parts of Jefferson street as it may desire, and to construct two lateral roads through any two streets of the City to the Ohio river, between Twelfth and the upper extremity of the City, including Twelfth, at such times as the Company may wish, and afford them every facility in their power for constructing the main stem and lateral roads in the city. The Railroad Company are further to be allowed to erect a car house, and other necessary buildings, in any part of the City they may wish, or at a point below Twelfth street, and connect the same with the main stem by a lateral road, or turn out. The Railroad Company, moreover, stipulates not to extend the road below the City of Louisville, unless it shall hereafter, in the opinion of the Directors of the Railroad Company and the Mayor and Council of Louisville, be deemed important to the Company and the country connected with the road, for the cheap, expeditious and uninterrupted exportation of the products of the country to market, and the introduction of the imports, in which event the Rail-

road Compay will be permitted to extend the road to such point as it may select, within reasonable distance of Portland. But should the Railroad Company and the City of Louisville disagree as to the expediency of continuing said road below Louisville, the decision of the question, considered with reference to the interests of the Company, the upper country, and the City of Louisville, shall be referred to the Judges of the Court of Appeals, for the time being, or to some three other disinterested referees mutually chosen, whose award, a majority therein concurring, when reduced to writing, shall be final between the Railroad Company and the City of Louisville. The City of Louisville, furthermore, stipulate not to construct, nor to permit to be constructed, except by the Lexington and Ohio Railroad Company, if in its power to prevent it, a railroad from Louisville to any point within a reasonable distance of Portland.

The foregoing agreement to be binding and obligatory, when ratified by the Directors of the Lexington and Ohio Railroad Company and the Mayor and Council of the City of Louisville. In witness whereof, James Guthrie, Chairman of the Committee of the Mayor and Council of Louisville, and Charlton Hunt, Chairman of the Committee of the Directory of the Lexington and Ohio Railroad Company, have hereunto set their hands the day and year first above written.

[CITY SEAL.]

JAMES GUTHRIE,
CHARLTON HUNT.

The foregoing agreement was ratified by the Directors of the Lexington and Ohio Railroad Company, and the Mayor and Council of the City of Louisville, as provided for in said agreement.

LEVI TYLER,
President of the Lex. and Ohio Railroad Co.

Ordered, That the Public Printer print 150 copies of the said report for the use of the General Assembly.

1. Mr. John S. Morgan presented the petition of the deputy Sheriffs of Nicholas county, praying that they may be allowed further time, until the January court of Nicholas county, to make out their delinquent list.

2. Mr. De Courcy presented the petition of sundry citizens of Campbell county praying that the Legislature devise some means to free our State from the evils of intemperance.

3. Mr. Weller presented the petition of sundry citizens of the town of Princeton, praying that an alley in said town may be closed.

4. The petition of sundry citizens of the town of Salem against a division of the county of Livingston.

5. Mr. Johnston presented the petition of sundry citizens of Shelby county, praying for the passage of a law prohibiting the sale of ardent spirits to free negroes, and to prohibit the sale of ardent spirits by all persons except regularly licensed tavern keepers.

6. The petition of the widow and the administrator of George Pence, deceased, praying for the passage of a law authorizing the sale of a slave belonging to said estate.

7. Mr. Wingate presented the petition of James Turley and Juliann, his wife, praying for the passage of a law to confirm a sale and conveyance of a small tract of land, which belonged to the said Juliann, who is under 21 years of age; and that the said Juliann may be made capable of conveying a tract of land in Montgomery county, and relinquishing her dower in another tract.

8. Mr. Payne presented four petitions from sundry citizens of the counties of Mason, Bracken and Harrison, praying for the passage of a law prohibiting the retail or sale of spirituous liquors.

9. Mr. Pratt presented sundry affidavits in relation to the application of Elizabeth Penn for a divorce from her husband.

Which were received and referred, the 1st to the committee on Finance; the 2d, 8th and 9th, to the committee on Religion; the 3d and 4th, to the committee on Propositions and Grievances; and the 5th, 6th and 7th, to the committee on the Judiciary.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act to change the name of Thomas Farrer to that of Thomas F. Daniel.

An act to reduce the number of Justices in Henry county.

An act for the benefit of Louisiana Esters.

An act to amend an act, entitled, an act to regulate the election of Trustees for the town of Port Oliver, in Allen county.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the committee on the Judiciary, reported a bill for the benefit of Sarah Harrington, and her infant children.

Mr. Pitts, from a select committee, reported a bill appropriating the proceeds of the States' interest to lots in the town of Skilesville, to the excavation of water power canal.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the first was ordered to be engrossed and read a third time, and the second was referred to the committee of Internal Improvement.

Mr. Anderson, from the joint committee appointed to visit Transylvania University and the Lunatic Asylum, made the following report:

[*For the report—see Appendix.*]

Ordered, That the said report be referred to the committee on Finance,

and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The Speaker laid before the Senate the following report of the Superintendent of public instruction.

[For the report—see *Appendix*.]

Ordered, That the said report be referred to the committee on Education, and that the Public Printer print 2000 copies thereof for the use of the General Assembly.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Guthrie—1. A bill to amend an act, entitled, an act to amend the law as to proceedings against non-resident and absent defendants, and unknown heirs.

2. A bill for the better confirmation of the estates of persons holding or claiming under conveyances from married women, and under conveyances not recorded in proper time.

3. A bill for the benefit of the Louisville College.

On the motion of Mr. Barlow—4. A bill for the benefit of Rice Maxey, Clerk of the Clinton Circuit and County Courts.

The committee on the Judiciary were directed to prepare and bring in the 1st and 2d; the committee on Education the 3d; and the committee on Finance the 4th.

A message was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State, announcing that he had approved and signed sundry enrolled bills and a resolution, which originated in the Senate, of the following titles, viz:

An act to amend an act, entitled, an act to incorporate the Shelbyville Fire, Marine and Life Insurance Company.

An act for the benefit of the infant children of John H. Bell, deceased.

An act to change the time of holding the December County Court of Lawrence, for the year 1839, and for other purposes.

Approved December 10, 1839.

An act to change the name of David Benson Davis to that of David Benson Rice.

An act providing for the appointment of Commonwealth's Attorneys.

An act to establish an election precinct in the county of Monroe.

An act to legalize the proceedings of the Court of Assessment for the 110th Regiment of Kentucky Militia.

Approved December 13, 1839.

An act for the benefit of James V. Fortune and George M. Fortune.

An act for the benefit of the Jailer of Nicholas county.

An act for the benefit of the infant children of Morgan Hopson.

An act for the benefit of the late Sheriff of Washington county.

An act declaring Little Goose creek and the East Fork of Main Goose creek navigable streams.

An act for the benefit of the Winchester and Lexington Turnpike Road Company.

An act for the benefit of the Sheriff of Jessamine county.

A resolution fixing a day for the election of public officers.

Approved December 19, 1839.

Two messages, in writing, were received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, one of the said messages was taken up and read as follows, viz:

EXECUTIVE OFFICE,
January 1, 1840. }

*Gentlemen of the Senate and of the
House of Representatives:*

Since your adjournment on the 20th ultimo, intelligence of a most extensive fraud committed upon the Bank of Kentucky by the transfer stock agent of the Bank at Philadelphia has been communicated to me, the particulars of which, so far as I have been enabled to collect them, I feel it a duty to lay before the Legislature at this time.

By the 26th section of the charter of the Bank of Kentucky, the stock was declared personal property and made "assignable and transferable only in such manner and at such place or places as the President and Directors of the principal Bank shall, by their by-laws, prescribe." Under this power it seems that the Schuylkill Bank, at Philadelphia, or the Cashier thereof, was, by the parent Board, constituted the stock agent of the Bank of Kentucky. What were the extent of the powers of this agent, or in what manner his duties in keeping the stock book of the Bank in Philadelphia were defined, I am uninformed by the Bank of Kentucky.

It appears now that this agent has issued, since the whole amount of stock was subscribed, certificates of shares in the stock of the Bank, to the amount of one million three hundred thousand dollars beyond the amount of three millions which individuals were allowed to subscribe for and hold, and converted the proceeds to his own use or to the use of the Schuylkill Bank.

This fraud it is said had its commencement as early as 1837 or 1838, and was continued up to the latter end of 1839, without the knowledge or suspicion of the President and Directors of the Bank of Kentucky.

A desire to place before the Legislature correct information upon this subject, induced me to address to the Cashier of the Bank of Kentucky, in the absence of the President, the letter, a copy of which, together with his answer to the same, are herewith sent.

The effect of this fraud upon the value of the stock was manifested by an instantaneous and ruinous decline in the Eastern market. Whether the loss will ultimately fall upon the stockholders of the Bank is a question upon which I am unable, at this time, from a want of a full knowledge of all the facts, to express an opinion.

I feel myself justified in assuring you, and through you my fellow citizens, that whether the loss shall fall upon the stockholders of the Bank, or upon

the purchasers or holders of these spurious shares, that the holders of the notes of the Bank in circulation are in no danger of sustaining a loss from this over issue of stock. Should the loss fall upon the stock, the ability of the Bank to meet her debts and liabilities to the community is unimpaired. The notes and debts of the Bank must be first paid before the stockholders can claim to be refunded their stock.

It is important, at the present crisis, to quiet, as far as may be practicable, any public apprehension which may exist upon this subject.

The President of the Bank, upon being informed of the conduct of the agent, immediately started for Philadelphia to investigate the subject, and to adopt the measures which the interest of the Bank seemed to require. The important question, whether the loss occasioned by this fraud is to be sustained by the holders of the spurious shares, or by the Bank, is one of vital interest to Kentucky. She now is directly, and indirectly, the owner of twenty thousand one hundred and thirty four shares of the capital stock, equal to \$2,013,400, at the original cost. It has occurred to me, that this interest is of sufficient magnitude to induce the representatives of the people to authorize the employment of some eminent jurist of the State, as her agent, to proceed forthwith to Philadelphia, to aid the President of the Bank in his investigations of this subject, but more particularly to superintend the interest of the Commonwealth involved in this transaction. Should you concur with me upon this subject, as speedy an action upon it, by the Legislature, as its importance will allow, would be desirable.

I feel anxious that the privileges of the Banks of Kentucky shall be restored to them (if their conduct in the management of their affairs shall, in your opinion, as I hope it will, justify it,) with as few innovations upon their original chartered rights, as may be consistent with a sound public policy. Nevertheless, I should prove recreant to the public interest if, with the sad experience before me, I failed to urge upon the Legislature a modification of their charters, so far as they vest a power in the President and Directors, under their by-laws, to establish agencies for the transfer of stock—the shares should be made transferable upon the books of the Bank, and nowhere else.

With sentiments of respect,

Your fellow citizen,

C. A. WICKLIFFE.

January 2, 1840.

[Letter from Governor Wickliffe to Mr. Gwathmey, Cashier of the Bank of Kentucky.]

EXECUTIVE DEPARTMENT,
27th December, 1839. }

DEAR SIR:

I have been anxiously expecting a communication from your Bank for the last two days, giving some information upon the subject that has created so much excitement in the public mind—the issuing of spurious stock of the Bank of Kentucky, by the Agent at Philadelphia.

The deep interest which the State has in the Bank, and the amount of funds vested in the stocks of this Bank during the years 1838-'9, by the Sinking Fund Commissioners, impel me to request from you, all the facts of which you are possessed upon this subject, as early as possible. It is a sub-

ject of such public importance, it may become my duty to make it the subject of special message at the meeting of the two Houses on the 1st January. I therefore desire to be as fully informed as it is possible for you to do so—particularly what were the powers of this agent, and in what manner he perpetrated the fraud so long, without its being detected by the Bank; the amount of the over issue, and whether it is possible to distinguish between these spurious and the genuine shares, and how? &c. Your early answer is desired.

Very respectfully, yours,

C. A. WICKLIFFE,
Lieutenant Governor.

GEORGE C. GWATHMEY, Esq.
Cashier Bank Kentucky, Louisville.

[*Mr. Gwathmey's reply to Governor Wickliffe.*]

BANK OF KENTUCKY,
Louisville, Dec. 28, 1839. }

DEAR SIR:

I have the honor to acknowledge the receipt of your letter of the 27th inst. requesting information in relation to the false issues of stock certificates of this Bank, at its Agency, the Schuylkill Bank, Philadelphia, by H. J. Levis, the late Cashier. A communication to your Excellency on the subject has been deferred, in the hope and hourly expectation of receiving farther and more circumstantial accounts of the fraud, than what have been communicated in letters from Philadelphia, which were written just at the moment when the developement was made, or shortly after it. Those letters afford but little information in addition to the statements published in the papers of the day; I consequently have to regret, that in complying with your request, I have, (owing to the continued failures in the arrival of the Eastern mails) so little satisfactory information to communicate on this momentous subject. Having received anonymous and confidential letters prejudicial to the Schuylkill Bank, the necessary steps had been taken by this Bank for the removal of the agency; and on this day week, near the time when we had reason to expect its consummation, letters were received from a number of Philadelphia friends, giving the overwhelming intelligence that Levis had owned to the issue of 10,800 false certificates. In subsequent communications the number is increased to 13,000—Levis, we are informed, avers to the former number. The transfer clerk states, that this work of fraud commenced in 1838, and continued to May last, when he left the Bank of Schuylkill. To what extent the spurious and genuine stock have become mixed, or how the transfer books have been kept, we are as yet uninformed. The returns or reports of stock from the Schuylkill Bank to this Bank, have been satisfactory; and but for the anonymous and confidential communications alluded to, no circumstance had occurred to induce suspicion of impropriety, on the part of the Schuylkill agency. The statements made by the agencies in New York and Philadelphia, of the number of shares on the books of their respective agencies, preparatory to the July dividend, when compared with the number of shares on the books of this Bank, showed the united number to corres-

pond with the whole number of shares held by individuals, companies, &c. in the Bank of Kentucky. These statements, with such as had been previously furnished, all producing the same result, is evidence sufficient that Levis knew, by the manner of keeping his books, or by some other means, how many genuine shares *ought* to be on his books, because this Bank and the New York agency were checks upon him, and he was apprised of the fact that a difference of *one* share would have led to an investigation. The agent, in accordance with the custom in reference to the duties assigned, issued certificates to the stockholders on his books, after full payment of their stock was made, and issued other certificates in cases of transfer, taking in the original certificate. Our friends in Philadelphia, immediately on the discovery of the fraud, employed eminent counsel for the Bank—an injunction for the Bank of Kentucky was granted, and served on the Schuylkill Bank. Levis has made a transfer of his property—securing first his bondmen, \$20,000 of borrowed money, and the balance of his estate to his creditors; and I notice in a paper of the 21st, from Philadelphia, that he has gone to Europe in the Liverpool. The agency books are still in the Schuylkill Bank; they were refused on the 17th, on the application for their removal, as advised by the President of the Bank of the United States. Mr. Pope, the President, is in or near Philadelphia at this time, if no accident has happened him—he left the day after receiving intelligence. I close this communication with an assurance to your Excellency, that information will be promptly given, of the farther developments that may be made, of the most mysterious, stupendous and infamous fraud on record.

I am, most respectfully,

Your obedient servant,

GEO. C. GWATHMEY.

His Excellency, C. A. WICKLIFFE,
Frankfort, Kentucky.

Ordered, That the said message be referred to the committee on Banks.

Engrossed bills of the following titles were severally read a third time, viz:

An act to amend an act providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of Jurors, approved February 15, 1838, and for other purposes.

An act to amend the militia law of this State.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A resolution from the House of Representatives to fire a national salute on the 8th instant, was twice read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That his Excellency, the present and acting Governor of the Commonwealth of Kentucky be, and he is hereby, requested to order a national salute to be fired on the 8th instant, in commemoration of the glorious victory achieved by the brave American officers and soldiers at New Orleans, on the 8th day of January, 1815.

Mr. Ballinger moved to amend the said resolution by adding thereto the following, viz:

Resolved, That the cannon, captured from the British on the 5th October, 1813, at the battle of the Thames, by General William Henry Harrison, and his brave companions in arms, be alone used by his Excellency in firing the foregoing salute.

The question being taken on the adoption of said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Ballinger, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Davidson,	Morgan, J. S.
Messrs. Anderson,	De Courcy,	Payne,
Ballinger,	Ford,	Pitts,
Barlow,	Hughes,	Slaughter,
Bradshaw,	Jasper,	Sterett,
Burnett,	Jesup,	Walker, J. V.
Clarke,	Johnston,	Wingate—21.

Those who voted in the negative were—

Messrs. Guthrie,	Roberts,	Weller,
Pratt,	Tomlinson,	Williams—6.

The question was then taken on the adoption of the said resolution, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Roberts and Weller, were as follows:

Those who voted in the affirmative were—

Mr. Speaker,	Ford,	Pitts,
Messrs. Anderson,	Jasper,	Slaughter,
Ballinger,	Jesup,	Sterett,
Barlow,	Johnston,	Tomlinson,
Bradshaw,	Morgan, J. S.	Walker, J. V.
Clarke,	Payne,	Wingate—19.
De Courcy,		

Those who voted in the negative were—

Messrs. Burnett,	Hughes,	Weller,
Davidson,	Pratt,	Williams—8.
Guthrie,	Roberts,	

A bill further to amend the laws against usury, was taken up, and is as follows:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the lawful rate of interest shall be as heretofore, six dollars per annum for the loan and forbearance of each one hundred dollars, and at

that rate for a greater or less sum, or for a longer or shorter time; and all notes, bonds, contracts, covenants, agreements, judgments, conveyances, or assurances, hereafter to be made for payment of any money, or goods, so to be lent or forborne, on which a higher rate of interest is reserved, agreed for, or taken, shall be null and void: *Provided*, That it shall be lawful for the parties to any contract for the loan or forbearance of money, wares, merchandize, or other commodity, by stipulation in the writing evidencing the loan or debt, to contract for interest at the rate of ten dollars per annum for the loan or forbearance of each one hundred dollars, and at that rate for a greater or less sum, and for a longer or shorter time, and such conventional interest, so stipulated and agreed for, shall be recoverable in the same way that six per cent. interest is recoverable in ordinary contracts.

SEC. 2. That the compounding principal and interest at shorter periods than one year, whether included in one or more notes or obligations, shall be held usurious, and the contracts and assurances void.

SEC. 3. That the sale of notes, bonds, judgments, and any other claims or demands, at a greater discount than ten per cent. on the amount due thereon, shall be held usurious, and the contract void: *Provided*, That when the claim or demand is not due, and does not carry interest, ten per cent. may be deducted, with six per cent. interest per annum, until the claim or demand becomes due or commences to bear interest.

SEC. 4. That it shall be lawful for any person or persons having a judgment and execution returned, no property, or having paid money as the surety of another, or having a right to go into equity against the effects of another, to file a bill in chancery against such person, and against any one to whom he may have paid usurious interest, or made usurious contracts for sale of notes, bonds, judgments, and other claims or demands; and the person or persons owing the same, and such usurious interest, and have such notes, bonds, judgments, and other claims and demands, applied to the payment of the debt of such complainant: *Provided*, That when such notes, bonds, judgments, claims or demands, shall have been collected, or assigned to *bona fide* holders, the usury alone shall be applied to the complainant's demand.

SEC. 5. That all money loaned or forborne at a usurious rate of interest, and all notes, bonds, judgments, claims and demands sold at usury, contrary to this act, shall be forfeited to the Commonwealth, and may be recovered by indictment: that it shall be sufficient in indictments under this act to allege the usurious interest in general terms, and the jury shall find the amount loaned at usury, or the amount of the note, bond, judgment, or other claim or demands, sold at usury.

SEC. 6. That when the money loaned at usury has been repaid, or the note, bond, judgment, or other claim or demand, has been collected or assigned away, the indictment shall be against the lender, or person having usuriously purchased such note, bond, judgment, claim or demand, and on conviction, judgment shall be for the amount, with costs; but when the money loaned has not been repaid, or the note, bond, judgment, claim or demand, has not been collected or assigned, the indictment shall be against all the parties, and judgment of forfeiture, with costs, against the usurer; and judgment for the amount of money loaned, or the amount of the note, bond, judgment, claim or demand, without costs, against the borrower, or person owing the note, bond, judgment, claim or demand.

Mr. Guthrie moved to amend the said bill by striking out the 3rd, 5th and 6th sections.

The question was taken on striking out the third section, and it was decided in the affirmative.

Mr. J. S. Morgan moved to lay the said bill and amendment on the table till the first day of June next, and the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Weller, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Jesup,	Pratt,
Messrs. Anderson,	Johnston,	Walker, J. V.
Bradshaw,	Morgan, J. S.	Weller,
Clarke,	Pitts,	Williams—13.
De Courcy,		

Those who voted in the negative were—

Messrs. Ballinger,	Guthrie,	Slaughter,
Barlow,	Hughes,	Sterett,
Burnett,	Jasper,	Tomlinson,
Davidson,	Payne,	Wingate—14.
Ford,	Roberts,	

The said bill was amended by striking out the 5th and 6th sections, and the further consideration thereof postponed, and made the order of the day for Friday next.

And then the Senate adjourned.

SATURDAY, JANUARY 4, 1840.

A message was received from the House of Representatives, announcing that they had received official information that the Lieutenant and Acting Governor had approved and signed sundry enrolled bills, which originated in that House, of the following titles, viz:

An act to reduce the number of Justices of the Peace of Ohio county.

An act for the benefit of Matthew Cook.

An act to establish an election precinct in the county of Daviess, and to change the place of voting in another.

An act to allow the Sheriff of Clinton county further time to return his delinquent list of militia fines.

An act for the benefit of William Smith, of Harrison county.

An act for the benefit of H. B. Smith, Clerk of the Grant Circuit and County Courts.

An act for the benefit of Denton Geoghegan and Barton Roby, late Sheriffs of Hardin county.

Approved December 11, 1839.

An act for the benefit of John Barnes, of Pulaski county.

An act to authorize the sale of Mount Zion Meeting House, in Clarke county, for the benefit of the Methodist Episcopal Church.

An act to change the place of voting in the Chapel Precinct, in Clay county.

An act to change the place of voting in the Robertson precinct, in Hart county.

An act for the benefit of John J. Garth, Deputy Sheriff of Wayne county.

An act for the benefit of Jeffersontown, in Jefferson county.

Approved December 13, 1839.

An act to amend an act, entitled, an act to establish a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.

An act to establish the county line between Floyd and Morgan.

An act for the benefit of John B. Cloud.

An act to amend an act, entitled, an act to change the present mode of summoning jurors in this Commonwealth, and to provide for their compensation.

An act for the benefit of N. R. Harris and E. D. Solomon.

An act to revive an act establishing Libraries in Rockcastle and Laurel counties.

An act for the benefit of George W. Carter.

Approved December 16, 1839.

An act to incorporate the Literary Institution of St. Magdalen, in Washington county.

An act for the benefit of Jesse Yates.

Approved December 19, 1839.

And that they had concurred in the amendments proposed by the Senate to a bill from that House, entitled, an act to have the line run and marked between the counties of Montgomery and Clarke.

And that they had passed bills which originated in the Senate, of the following titles, viz:

An act allowing Willis Blanton, Surveyor of Franklin county, further time to give bond.

An act allowing the Trustees of the town of Taylorsville to close an alley, and for other purposes.

An act for the benefit of the Surveyor of Bullitt county.

An act authorizing the sale of a Seminary lot, and the building thereon, in the county of Henry.

And that they had passed bills of the following titles, viz:

1. An act legalizing the proceedings of the Marion County Court, held at the February term, 1839, and for other purposes.

2. An act to amend an act, entitled, an act for the benefit of William Smith, of Harrison county.

3. An act to allow one additional Constable in Lawrence county.

4. An act authorizing the Scott County Court to increase the levy for county.

5. An act to incorporate the town of Trenton, in Todd county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st, 3d and 5th, were referred to the committee on the Judiciary, and the 2d and 4th, to the committee on Finance.

1. Mr. Anderson presented the petition of the Sheriff of Green county, praying that further time may be allowed him to pay into the Treasury the balance of the revenue for said county, for the year 1838.

2. Mr. De Courcy presented the petition of sundry citizens of Campbell county, praying that the Legislature may devise some means to free this State from the evils of intemperance.

3. Mr. Williams presented the petition of William Osborn and Thomas May, praying for the passage of a law authorizing them to make a change in the State road from Mountsterling, by way of Prestonsburg, to the State line.

4. Mr. J. S. Morgan presented the petition of the heirs and representatives of Richard Collier, deceased, praying for the passage of a law authorizing a sale of the lands which descended to them from the decedent.

5. Mr. James presented the petition of the members of the bar in the sixteenth Judicial District, praying that the times of holding the courts in said District may be changed.

6. Mr. Guthrie presented the petition of Samuel L. Boicourt, praying the passage of a law to change the name of Mary Elizabeth Askew to Mary Elizabeth Boicourt.

7. Mr. Clarke presented the petition of Samuel Rohrer, praying for a divorce from his wife Sarah.

8. Mr. Barlow presented the petition of sundry citizens of Monroe county, praying that measures may be adopted to effect a full discovery of the cause of the disease called the milk sickness.

Which were received and referred; the 1st to the committee on Finance;

the 2d and 7th, to the committee on Religion; the 3d, to the committee on Internal Improvement; the 4th and 6th, to the committee on the Judiciary; the 5th, to a committee of Messrs. James, Weller and Burnett, and the 8th to a committee of Messrs. De Courcy, Burnett and Tomlinson.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act allowing three additional County Courts to the county of Garrard, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an to organize two fire companies in the town of Lexington, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law concerning sealed instruments, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Wingate, from the committee of Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Martha French, reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. Wingate, from the committee of Religion, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Marie McCaleb.

An act for the benefit of Obadiah Johnston.

Reported the same with the opinion of the committee that they ought not to pass.

The question being taken on reading the second bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Ordered, That the first bill be read a third time.

The constitutional rule as to the third reading of the first bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wingate, from the same committee, to whom was referred the pe-

tition of Catharine Collins, praying for a divorce, reported the following resolution thereon :

Resolved, That the said petition be rejected—which was concurred in.

Mr. Johnston, from the committee on Finance, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz :

An act for the benefit of the late Sheriff of Daviess county.

An act to amend the law in relation to collecting tax on law process.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, viz :

By Mr. Guthrie, from the committee on the Judiciary—1. A bill to amend an act, entitled, an act to amend the law as to proceedings against non-resident and absent defendants and unknown heirs.

By Mr. Wingate, from the committee on Religion—2. A bill for the benefit of William Matthews.

By Mr. Johnston, from the committee on Finance—3. A bill for the benefit of Thomas Glascock.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the 1st and 2d bills being dispensed with, they were ordered to be engrossed and read a third time.

The constitutional rule as to the second and third readings of the third bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Roberts, the vote was reconsidered disagreeing to a bill from the House of Representatives, entitled, an act for the benefit of Mary Jackson.

On the motion of Mr. Wingate, the vote was reconsidered disagreeing to a bill from the House of Representatives, entitled, an act for the benefit of William B. Wallace.

Ordered, That said bills be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred to the committee on Religion.

Mr. Pratt read and laid on the table the following resolution, viz :

Resolved by the Senate, That the Second Auditor be directed to furnish this House a correct statement of the number of voters in the county of

Scott, as exhibited by the original books of the Commissioner for said county for the year 1839, now in his office.

The rule of the Senate being dispensed with, the said resolution was taken up and adopted.

An engrossed bill, entitled, an act for the benefit of Sarah Harrington and her infant children, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Tomlinson, leave was given to bring in a bill to establish a State road from Harrodsburg, in Mercer county, to Taylorsville, in Spencer county; and the committee on Internal Improvement were directed to prepare and bring in the same.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined an enrolled bill which originated in the Senate, entitled, an act to change the form of the Commissioners' books of taxable property, and to regulate the duties of Commissioners of tax, and other officers in relation to the same, and had found the same truly enrolled.

The said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

And then the Senate adjourned.

MONDAY, JANUARY 6, 1840.

A message was received from the House of Representatives, announcing that they had disagreed to the amendment proposed by the Senate, to a bill from that House, entitled, an act to amend the laws in relation to taking depositions of non-resident witnesses; and that they had concurred in the amendment proposed by the Senate to a resolution from that House to fire a national salute on the 8th instant; and that they had passed a bill, entitled, an act to amend the law in relation to the Court of Appeals.

The Speaker laid before the Senate the following communication from the Auditor of Public Accounts, viz:

FRANKFORT, KY.
Auditor's Office, 4th January, 1840. }

SIR:

I hasten to inform the Senate, through you, that a clerical error, in the date of the year, appears in my response to a resolution of your body, passed on the 17th December, 1839, in several instances, to wit: Requisition to Wm. B. Foster, George Eichbaum, H. J. Eastin, Bank of Louisville, and Northern Bank of Kentucky; also the date of the services rendered by Jas. R. Skiles and Manlius V. Thomson, members of the Board of Internal Improvement, should have been 1838 instead of 1839—which errors commence with the response, page 5, and ends on the same.

I am, respectfully,

Yours, &c.,

BEN. SELBY, *Auditor.*

HON. SAMUEL HANSON,

Speaker of the Senate.

The Speaker laid before the Senate the annual report of the Commissioners of the Lunatic Asylum.

[For the report—see *Appendix.*]

1. Mr. Clarke presented the petition of Susanna Watts, praying for the passage of a law authorizing the sale of two slaves.

2. Mr. Wingate presented the petition of William Hunter, praying to be reimbursed money paid by him towards rebuilding the capitol in 1814.

3. Mr. Wickliffe presented the petition of sundry citizens of the city of Lexington, praying that the importation of such articles as are manufactured by our own citizens, may be restricted.

Which were received and referred; the 1st to the committee of Propositions and Grievances, and the 2d and 3d, to the committee of Finance.

The Speaker laid before the Senate the following report of the Second Auditor, viz:

REVENUE DEPARTMENT, AUDITOR'S OFFICE, KY., }
Frankfort, January 4th, 1840. }

DEAR SIR:

In accordance with a resolution of the Senate of this State, I report the number of voters in the county of Scott, as ascertained from the original books filed in this office, to be one thousand five hundred and thirty one. (1,531.)

Very respectfully,

Your ob't serv't,

THO. S. PAGE, *2d Auditor.*

HON. SAMUEL HANSON,

Speaker of the Senate.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill to amend the law in relation to garnishee, by increasing the jurisdiction of Magistrates in such cases, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

Mr. Guthrie, from the same committee, to whom was referred a bill to repeal the law prohibiting the importation of slaves into this State, approved February 2d, 1833, reported the same without amendment.

The said bill was discussed for some time.

And then the Senate adjourned.

TUESDAY, JANUARY 7, 1840.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

An act to explain and enforce an act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24th, 1834—and an act to amend said act, approved February 8th, 1839.

An act to amend and reduce into one the several acts regulating the town of Henderson.

An act for the benefit of Joseph Shropshire.

An act for the benefit of Richard Lucas. Senr.

An act for the benefit of the Jailer of Meade county.

An act for the benefit of William J. Kendrick.

1. Mr. Weller presented the petition of Sundry citizens of Princeton, in favor of the formation of a new county out of parts of the counties of Caldwell, Livingston, Hopkins and Union.

2. Also, a petition counter thereto.

3. Mr. Bradshaw presented the petition of Joseph M. McMillen, who stands indicted in the Russell Circuit Court, praying for a change of venue.

4. Mr. Pratt presented the petition of Eliza Bryan, praying for a divorce from her husband.

Which petitions were received and referred; the 1st and 2d, to the committee of Propositions and Grievances; the 3d, to the committee on the Judiciary, and the 4th to the committee of Religion.

Mr. Barlow, from the joint committee of Enrollments, reported that the committee had examined enrolled bills and resolutions which originated in the House of Representatives, of the following titles, and had found the same truly enrolled, viz:

An act authorizing the Commissioners of the Sinking Fund, and the Board of Education, to sue and be sued.

An act for the benefit of Louisiana Esters.

An act to reduce the number of Justices in Henry county.

An act to amend an act, entitled, an act to regulate the election of Trustees for the town of Port Oliver, in Allen county.

An act for the benefit of Joshua Holsclaw.

An act for the benefit of America Pearson.

An act for the benefit of Cornelius Snider.

An act for the benefit of Harriet Wilkerson.

An act for the benefit of indigent children received in the City Hospital of Lexington.

An act for the benefit of John Shaw, David L. Gregg and Joseph Le-compte.

An act to change the name of Thomas Farrer to that of Thomas F. Daniel.

An act to have the line run and marked between the counties of Montgomery and Clarke.

A resolution to fire a national salute on the 8th instant.

A resolution to appoint a committee to examine Transylvania University and the Lunatic Asylum.

Also, engrossed bills and resolutions which originated in the Senate of the following titles, viz:

An act allowing the Trustees of the town of Taylorsville to close an alley, and for other purposes.

An act allowing Willis Blanton, Surveyor of Franklin county, further time to give bond.

An act for the benefit of the Surveyor of Bullitt county.

An act authorizing the sale of a Seminary lot, and the building thereon, in the county of Henry.

Resolutions requiring information from the officers of the Banks.

The said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

The Senate resumed the consideration of a bill to repeal the law prohibiting the importation of slaves into this State, approved February 2d, 1833, which is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act to amend the law prohibiting the importation of slaves into this State, approved February 2d, 1833, be, and the same is hereby, repealed; and all laws repealed by the above recited act shall be, and the same are hereby, revived and continued in force, except so much thereof as requires

emigrants to this State to take an oath as to the slaves brought with them, and all laws requiring said oath shall be, and they are hereby, repealed.

The question being taken on engrossing and reading the said bill a third time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Guthrie, and De Courcy, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	James,	Sterett,
Messrs. Barlow,	Jasper,	Tomlinson,
Bradshaw,	Jesup,	Walker, J. V.
Burnett,	Roberts,	Weller,
Dixon,	Schooling,	Wickliffe,
Ford,	Slaughter,	Williams—18.

Those who voted in the negative were—

Messrs. Anderson,	Hughes,	Payne,
Ballinger,	Huston,	Pitts,
Clarke,	Johnston,	Pratt,
Davidson,	Morgan, D.	Rice,
De Courcy,	Morgan, J. S.	Wallace,
Guthrie,	Murrell,	Wingate—18.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Clarke—1. A bill for the benefit of Joseph H. Chrisman, Edward Bradshaw, James D. Hill and George J. Brown.

On the motion of Mr. Guthrie—2. A bill to amend the law as to the emancipation of slaves.

On the motion of Mr. Rice—3. A bill to change the time of holding the Lawrence, Morgan, Pike and Floyd Circuit Courts.

On the motion of Mr. Wingate—4. A bill for the benefit of the Trustees of the town of Frankfort.

On the motion of Mr. Johnston—5. A bill requiring guardians to make annual settlements of their accounts, and for other purposes.

On the motion of Mr. Wallace—6. A bill to increase the jurisdiction of Magistrates in this Commonwealth to sums of one hundred dollars.

On the motion of Mr. Wickliffe—7. A bill to amend the charter of Lexington, and for other purposes.

The committee on Military Affairs was directed to prepare and bring in the 1st; the committee on the Judiciary the 2d, 4th, and 6th; a committee of Messrs. Rice, Payne and Clarke, the 3d; Messrs. Johnston, Huston and Sterett the 5th, and Messrs. Wickliffe, J. S. Morgan and C. J. Walker the 7th.

Mr. Tomlinson presented the petition of Thomas Grimes, representing that he is old, infirm and unable to support himself, and praying for relief.

Which was received and referred to the committee of Finance.

Mr. Wickliffe having obtained leave, reported a bill to change the time of the meeting of the General Assembly—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the further consideration of the said bill was postponed, and made the order of the day for Monday next.

Mr. Johnston from the committee of Finance, reported a bill for the benefit of the Sheriff of Nicholas county—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pitts read and laid on the table the following resolution, viz:

Resolved, That the Secretary of the Board of Internal Improvement, or the competent officer of that Board, inform the Senate what money, if any, has been paid to Engineers, members of the Board, or other officers attached to the system, and to state for what purposes such moneys were paid, other than their stipulated annual or daily salaries.

Mr. Barlow read and laid on the table the following resolution, viz:

Resolved, by the General Assembly of the Commonwealth of Kentucky. That when they adjourn on Friday the 31st of January, 1840, they will adjourn without day.

And then the Senate adjourned.

WEDNESDAY, JANUARY 8, 1840.

A message was received from the House of Representatives, announcing that they had disagreed to the amendments proposed by the Senate to a bill from that House, entitled, an act for the benefit of Abner Belton.

And that they had passed bills of the following titles, viz:

An act to open a State road from John Hibbard's, in Clay county, to Prestonsburg, in Floyd county.

An act to amend the penal laws of this Commonwealth.

An act for the benefit of Robert McCalla.

An act for the benefit of Larkin B. Yates.

An act for the benefit of David Owen.

An act providing for a change of venue in the case of the Commonwealth against Henry Younger.

An act for the benefit of the Master, Wardens and Brothers of Montgomery Lodge No. 23, of free and accepted Masons.

An act for the benefit of Harriet and Alexander Howison.

On the motion of Mr. Johnston, a message was sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the benefit of Anderson Wade. The said bill being returned to the Senate, on the motion of Mr. Johnston the vote by which it was disagreed to was reconsidered.

Ordered, That the said bill be read a second time.

The constitutional rule as to the second reading being dispensed with, it was referred to the committee of Religion.

Mr. Hughes presented the petition of Charles Stewart and H. Logan, praying for the passage of a law authorizing a sale of 181 acres of land in Henry county, held in trust, for the use and benefit of the wife and children of Hezekiah L. Logan.

Mr. Huston presented the petition of Granville C. Brown, praying for a divorce from his wife.

Which petitions were received and referred; the 1st to a committee of Messrs. Hughes, James and J. V. Walker; and the 2d to the committee of Religion.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act to incorporate the town of Trenton, in Todd county.

An act authorizing the appointment of county Treasurer in Harrison county.

An act to legalize the proceedings of the Marion County Court, held at the February term, 1839, and for other purposes.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, reported the following bills, viz:

1. A bill to amend the law as to the emancipation of slaves.
2. A bill prohibiting the sale of spirits to any free person of color.
3. A bill for the benefit of the heirs of George Pence, deceased.
4. A bill for the benefit of the adopted child of Samuel L. and Elizabeth Boicourt.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st and 2d were placed in the orders of the day, and the 3d and 4th were ordered to be engrossed and read a third time.

Mr. Guthrie, from the same committee, to whom was referred a bill to change the time of holding the Laurel Circuit Courts and the Knox County Courts, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Payne, from the same committee, to whom was referred a bill to establish the Lexington Cemetery, reported the same with amendments, and the said bill was placed in the orders of the day.

The Speaker laid before the Senate the following communication from the Secretary of State, viz:

EXECUTIVE DEPARTMENT,
Frankfort, Jan. 8th, 1840. }

SIR:

Permit me, through you, to lay before the Senate the monthly statements of the Northern Bank of Kentucky, since first of July, 1839.

Respectfully,

J. M. BULLOCK,
Secretary of State.

HON. SAMUEL HANSON,
Speaker of the Senate.

It was moved by Mr. Pitts, and seconded by Mr. Murrell, to reconsider the vote rejecting a bill to repeal the law prohibiting the importation of slaves into this State, approved February 2, 1833.

And then the Senate adjourned.

THURSDAY, JANUARY 9, 1840.

Mr. Hughes presented the remonstrance of America W. Wade against the application of her husband, Anderson Wade, for a divorce, and praying that she may be divorced from her husband, if he obtains a divorce.

Which was received and referred to the committee of Religion.

Bills from the House of Representatives of the following titles, were re-

ported from the committees to whom they were referred, without amendment, viz:

By Mr. Rice, from the committee of Propositions and Grievances—An act to amend an act, entitled, an act to establish the county of Carroll, approved February 9th, 1838.

By Mr. Huston, from the committee of Privileges and Elections—An act to establish an election precinct in the county of Lewis, and for other purposes.

An act to establish election precincts in the county of Breathitt.

An act to establish an additional election precinct in Campbell county.

An act to change the place of voting in an election precinct in McCracken county.

By Mr. Ballinger, from the committee of Internal Improvement—An act to establish a State road from the mouth of Salt river, by way of Grayhamp-ton and Big Spring, to intersect the Bowlinggreen road.

By Mr. Johnston, from the committee on Finance—An act to authorize the Scott County Court to increase the levy for Scott county.

An act to amend an act, entitled, an act for the benefit of William Smith, of Harrison county.

By Mr. Jesup, from the committee on Military Affairs—An act for the benefit of William T. Sharp.

An act for the benefit of Thomas F. Thornton and Herman Bowmar.

An act for the benefit of George W. Anderson.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Harvey Hazlerigg, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz:

1. By Mr. Rice, from the committee of Propositions and Grievances—A bill requiring the removal of timber from flooded grounds, &c.

2. A bill to authorize the Trustees of the town of Princeton to sell and convey a part of an alley in said town.

3. By Mr. Ballinger, from the committee of Internal Improvement—A bill for the benefit of William Osburn and Thomas May.

4. A bill authorizing the building of mill dams upon Trammels' Fork of Drake's creek.

5. By Mr. Clarke, from the committee of Education—A bill for the benefit of Louisville College.

6. By Mr. Johnston, from a select committee—A bill requiring guardians to make annual settlements of their accounts, and for other purposes.

7. By Mr. Weller, from a select committee—A bill to change the time of holding the Circuit Courts in the 16th Judicial District.

The said bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st was referred to the committee of Internal Improvement, and the 6th and 7th to the committee on the Judiciary; the 2d, 3d and 5th, were ordered to be engrossed and read a third time; and the 4th was placed in the orders of the day.

The constitutional rule as to the third reading of the second bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The resolution for the Secretary of the Board of Internal Improvement to inform the Senate what money has been paid to Engineers, &c., if any, other than their stipulated salaries, read and laid on the table by Mr. Pitts on the 7th inst, was taken up and adopted.

On the motion of Mr. James, leave was given to bring in a bill for the benefit of the Sheriff of Hickman county, and the committee of Finance was directed to prepare and bring in the same.

Mr. Wickliffe read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the President, Directors and Company of the Bank of Kentucky do, *under the oath*, and by their President or Cashier, furnish to the Legislature, a full, true and faithful transcript of all orders, powers, or other papers, touching the foreign agency to transfer or sell the capital stock of said Bank at Philadelphia, or other places out of the State of Kentucky; of all letters written by the said company, or any of its agents or servants, touching such transfers, or the appointment or appointments, and copies of all letters to said company, its officers or servants, (not confidential,) written by others, relating to any such agency. Also to state, from the best information they have, the amount of spurious stock, if any, issued; and whether by any document, by-law or other record, they possess the means of discriminating between the genuine and the spurious stocks, or of ascertaining when the issuing of such stocks commenced and when it stopped. Also copies of any order, resolution, or other instrument of writing, from any Bank, its officers or servants, connected with and acknowledging or accepting of any such transfer agency or agencies.

At half past 11 o'clock, A. M., Mr. Payne moved that the Senate do now adjourn.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Davidson, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hughes,	Payne,
Messrs. Ballinger,	Huston,	Rice,
Davidson,	Jesup,	Sterett,
Dixon,	Johnston,	Weller,
Ford,	Morgan, D.	Williams—16.
Guthrie,		

Those who voted in the negative were—

Messrs. Barlow,	Morgan, J. S.	Schooling,
Bradshaw,	Murrell,	Walker, J. V.
Clarke,	Pitts,	Wickliffe—9.

And then the Senate adjourned.

FRIDAY, JANUARY 10, 1840.

1. Mr. Schooling presented the petition of John Smock and Letty, his wife, and Daniel B. Hughes, praying for the passage of a law authorizing a conveyance of the undivided 14th part of a tract of land, held in trust, for the use of the said Letty and her children.

2. Mr. Wingate presented the petition of Harrison Hearn, and others, praying for the passage of a law authorizing the sale of a tract of land which descended to the infant children of the said Hearn, from their deceased mother.

3. Mr. De Courcy presented the petition of sundry ladies of the city of Newport.

4. Also the petition of sundry citizens of Campbell county, praying for the repeal of all laws licensing the retail of spirituous liquors, and for the passage of a law prohibiting the retail of such liquors.

5. Mr. Wingate presented the petition of sundry citizens of Owen county, praying for the establishment of an election precinct in said county.

Which petitions were received and referred; the 1st and 2d to the committee on the Judiciary; the 3d and 4th to the committee of Religion, and the 5th to the committee of Privileges and Elections.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill to regulate charitable uses and prohibit grants in mortmain, and for other purposes, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz :

By Mr. Johnston, from the committee on Finance—1. A bill for the benefit of the Sheriff of Marion county.

Also—2. A bill for the benefit of John Gooding.

Also—3. A bill for the benefit of Pleasant Sandridge, late Sheriff of Green county.

By Mr. Jesup, from the committee of Military Affairs—4. A bill for the benefit of Joseph H. Chrisman and his securities.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the 1st, 2d and 3d bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The constitutional rule as to the second reading of the 4th bill being dispensed with, the said bill was ordered to be engrossed and read a third time.

A message, in writing, was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz :

EXECUTIVE DEPARTMENT,
January 10, 1840. }

Gentlemen of the Senate :

I nominate for your advice and consent, Andrew Trumbo, to be Commonwealth's Attorney for the eleventh Judicial District.

C. A. WICKLIFFE.

Resolved, That the Senate advise and consent to the said appointment.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Ezra Richmond, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wickliffe, from the committee appointed for that purpose, reported a bill to amend the charter of the city of Lexington, and for other purposes.

Mr. Wingate, from the committee on Religion, reported a bill for the benefit of Eliza L. Bryan.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st bill was referred to the committee on the Judiciary, and the 2d was ordered to be engrossed and read a third time.

Mr. Wickliffe, from the committee of Internal Improvement, to whom was referred a bill appropriating the proceeds of the State's interest to lots in the town of Skilesville to the excavation of water power canal, reported the same with amendments—which were concurred in, and the said bill was placed in the orders of the day.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Ballinger—1. A bill to enforce the law prohibiting treating by candidates to procure their election.

On the motion of Mr. Hughes—2. A bill further to amend the election laws of this Commonwealth.

On the motion of Mr. Ballinger—3. A bill to authorize and require the Register of the Land Office to receive and register certain plats and certificates of survey.

On the motion of Mr. Hughes—4. A bill making an appropriation to the Spencer county Seminary.

The committee of Privileges and Elections were directed to prepare and bring in the 2d; the committee on Education the 4th; and Messrs. Ballinger, Williams and Barlow, were appointed a committee to prepare and bring in the 1st and 3d.

On the motion of Mr. J. S. Morgan,

Resolved, That the committee of Finance be instructed to enquire into the expediency of so arranging the publication of the acts of the Legislature, that one copy be furnished to each County Court Clerk; and that the general acts be alone furnished to all officers who are now entitled to the same, and that they report by bill or otherwise.

Mr. Payne read and laid on the table the following resolution, viz:

Resolved, That the Second Auditor be directed to furnish to the Senate, the number of black population in the State of Kentucky for each year, since the last census.

A bill to fix the ratio and apportion the representation for the ensuing four years, came up in the orders of the day. The said bill is as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the ratio, for the ensuing four years, shall be one thousand and eighty five votes for each representative, and the representation for that period shall be, and the same is hereby apportioned among the several counties in this Commonwealth, for the House of Representatives, in the follow-

ing manner: The county of Adair shall be entitled to one representative; Allen, one; Anderson, one; Barren, two; Bracken, one; Butler and Edmonson, one; Bourbon, two; Bullitt, one; Bath, one; Breckinridge, one; Boone, one; Caldwell, one; Cumberland and Clinton one; Carroll and Gallatin, one; Casey, one; Clay and Perry, one; Calloway, one; Campbell, two; Clarke, one; Christian, two; Daviess, one; Estill, one; Fayette, three; Franklin, one; Floyd and Pike, one; Fleming, two; Grayson, one; Grant, one; Graves, one; Greenup, one; Garrard, one; Green, two; Hopkins, one; Henderson, one; Harrison, two; Hardin, two; Hart, one; Henry, one; Harlan and Knox, one; Hickman, one; Jefferson, one; Jessamine, one; Louisville city, three; Livingston, one; Lincoln, one; Laurel, one; Lawrence and Carter, one; Lewis, one; Logan, two; Muhlenburg, one; Mason, two; Montgomery, one; Monroe, one; Morgan and Breathitt, one; Meade, one; Madison, two; Marion, one; M'Cracken, one; Mercer, two; Nicholas, one; Nelson, two; Ohio and Hancock, one; Owen, one; Oldham, one; Pendleton, one; Pulaski, one; Rockcastle, one; Russell, one; Shelby, two; Scott, one; Spencer, one; Simpson, one; Todd, one; Trigg, one; Trimble, one; Union, one; Wayne, one; Woodford, one; Warren, two; Whitley, one; Washington, one.

SEC. 2. And for the purpose of apportioning the representation in the Senate, this State is hereby laid off into thirty eight Senatorial Districts, as follows: The counties of Hickman, Graves and M'Cracken, shall compose the first Senatorial District; Caldwell, Livingston and Union, the second; Todd and Christian, the third; Logan and Simpson, the fourth; Henderson, Hopkins and Daviess, the fifth; Warren and Allen, the sixth; Barren, the seventh; Green and Hart, the eighth; Monroe, Cumberland and Clinton, the ninth; Adair, Casey and Russell, the tenth; Pulaski and Wayne, the eleventh; Hancock, Breckinridge and Ohio, the twelfth; Butler, Grayson, Muhlenburg and Edmonson, the thirteenth; Hardin and Meade, the fourteenth; City of Louisville and Jefferson county, the fifteenth; Henry, Oldham and Trimble, the sixteenth; Shelby, the seventeenth; Nelson, the eighteenth; Marion and Washington, the nineteenth; Mercer, the twentieth; Trigg and Calloway, the twenty first; Lincoln and Garrard, the twenty second; Madison, the twenty third; Knox, Whitley, Laurel and Rockcastle, the twenty fourth; Boone, Grant, Gallatin and Carroll, the twenty fifth; Campbell and Pendleton, the twenty sixth; Nicholas and Bourbon, the twenty seventh; Franklin, Owen and Anderson, the twenty eighth; Scott and Harrison, the twenty ninth; Spencer and Bullitt, the thirtieth; Fayette, the thirty first; Jessamine and Woodford, the thirty second; Montgomery and Clarke, the thirty third; Greenup, Carter, Lawrence and Pike, the thirty fourth; Fleming and Lewis, the thirty fifth; Mason and Bracken, the thirty sixth; Morgan, Floyd and Bath, the thirty seventh; Clay, Perry, Harlan, Estill and Breathitt, the thirty eighth.

SEC. 3. When, according to the laws now in force, it shall be the duty of any Sheriff to compare the polls for Senator and Representative at different places on the same day, it shall hereafter be the duty of said Sheriff to attend with the poll books of his county, at the time and place appointed by law to compare the polls for Senator, and to make out, in writing, a certificate of the aggregate votes polled in his county, for whom given, and what place; and shall cause the same to be forwarded to the place, and at the time

appointed by law for comparing polls for representatives, by one of his deputies.

SEC. 4. Said certificate shall, upon comparison of the polls, be received as evidence of the vote polled in said county; and if any Sheriff shall fail or refuse to discharge the duties hereby enjoined, he shall, upon indictment of a grand jury of said county, be fined any sum not less than five hundred dollars, nor more than one thousand dollars.

Mr. Rice moved to amend the said bill by striking out the words, "and Breathitt," printed in italics, so that Morgan county alone have one representative.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rice and Ballinger, were as follows:

Those who voted in the affirmative were—

Messrs. Barlow,	James,	Schooling,
Burnett,	Jasper,	Wallace,
Guthrie,	Pratt,	Williams,
Hughes,	Rice,	Wingate—12.

Those who voted in the negative were—

Mr. Speaker,	Huston,	Roberts,
Messrs. Ballinger,	Jesup,	Slaughter,
Bradshaw,	Johnston,	Sterett,
Clarke,	Morgan, D.	Tomlinson,
Davidson,	Morgan, J. S.	Walker, J. V.
De Courcy,	Murrell,	Weller,
Dixon,	Payne,	Wickliffe—22.
Ford,		

Mr. Jasper moved to amend the said bill by striking one member from Laurel county, and adding one to Pulaski county, so that Pulaski have two members.

The further consideration of the said bill was then postponed, and made the order of the day for Monday next.

And then the Senate adjourned.

SATURDAY, JANUARY 11, 1840.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz:

An act for the divorce of Nelson Dyer.

An act for the benefit of the widow and children of Samuel Pryor, deceased.

An act to amend the militia law of this State.

An act for the benefit of Pleasant Sandridge, late Sheriff of Green county.

And that they had passed bills of the following titles, viz:

1. An act to incorporate the Germantown Academy.
2. An act to establish Marshall College.
3. An act for the benefit of Joseph S. Elgin.
4. An act for the benefit of Permelia Hawly.
5. An act for the benefit of Thomas P. Moore.
6. An act for the benefit of John L. Graves.
7. An act to amend an act, entitled, an act incorporating the town of Saloma, in Green county.
8. An act to establish an election precinct in Carroll county.
9. An act for the benefit of William B. Graves, of Cynthiana.
10. An act to amend the law relating to the Wilderness turnpike road, and adjacent roads leading from same to Goose creek Salt Works.

The said bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, they were referred; the 1st and 2d to the committee on Education; the 3d and 4th to the committee of Religion; the 5th to the committee on Military Affairs; the 6th to the committee of Propositions and Grievances; the 7th and 9th to the committee on the Judiciary; the 8th to the committee of Privileges and Elections, and the 10th to the committee of Internal Improvement.

Mr. D. Morgan presented three petitions of sundry citizens of Fleming county, praying for the repeal of all laws licensing the retail of spirituous liquors: and for the passage of a law prohibiting the same—which were received and referred to the committee of Religion.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the petition of John Smock and wife, and Daniel B. Hughes—reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Guthrie, from the same committee, reported the following bills, viz:

A bill to amend an act entitled, an act to authorize Jailers to serve process in certain cases, approved February 9, 1836.

A bill for the benefit of the Trustees of the town of Frankfort.

Which were each read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Ordered, That the said bills be engrossed and read a third time.

The constitutional rule as to the third reading of the second bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Rice, from the committee of Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to establish the county of Fulton, and for other purposes, reported the same with the opinion of the committee that it ought not to pass. The said bill is as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, from and after the first day of September next, all that part of the county of Livingston contained in the following boundary, to-wit: Beginning at the mouth of Deer creek on the Ohio river, running thence a straight line to the southwest corner of the court house in the town of Salem; thence running to the mouth of the first branch below Crouche's Landing on the Cumberland river; thence up the Cumberland river to what is called the Narrows to the Caldwell line; thence with said line to the Tennessee river; thence down the same to its mouth; thence up the Ohio river to the beginning, is hereby created into one distinct county, to be called and known by the name of *Fulton*; and that the seat of justice thereof be, and the same is hereby, established at Smithland: *Provided*, that, at the ensuing August election, it shall be the duty of the several Judges of the election, and of the Sheriff and deputy Sheriffs to cause to be opened two columns, one for and another against the division; and if thereupon there shall be a majority of fifty of the qualified voters thus polled in favor of a division, then this act shall take effect as herein provided, otherwise, it shall be null and void, and of no effect. And, in order to insure perfect fairness in said election, it is hereby enacted that either party may contest said votes, and for this purpose the Commissioners hereinafter appointed to fix the county seat of Livingston county shall be, and they are hereby, appointed Judges to purge said polls, whose duty it shall be, when called on, in pursuance of public notice given at the court house in Salem, and at the taverns in the town of Smithland, at any time previous to the third Monday in August, to hear evidence in relation to said votes, and if they, or a majority of them, shall be of opinion that there are fifty of a majority of the qualified voters in said county of Livingston, thus polled, in favor of a division, their certificate to that effect shall be conclusive; and if they shall certify that there is not such a majority it also shall be conclusive, and this act shall not take effect.

SEC. 2. That said county of Fulton shall be entitled to nine Justices of the Peace, who, after having been commissioned, shall, on the second Monday in September next, meet at such house as they may procure in the town of Smithland, and after the necessary oaths of office, and qualifying their Sheriff, they shall proceed to appoint a Clerk, to whose permanent appointment a majority of all the Justices in commission in and for said county of Fulton shall concur; but if such majority cannot be had, it shall be the duty of said court to appoint one *pro tempore*, until a majority of said court shall concur in said appointment.

SEC. 3. That the Circuit and County Court of Livingston, and the Justices of the Peace for said county, shall have jurisdiction in law and equity in all cases instituted in their respective courts before this act takes effect.

SEC. 4. That it shall be lawful for the Sheriff, Constables and Collectors, in the said county of Livingston, to collect all moneys, and execute all process as the law directs, which may be in their hands at the time this act takes effect, and account for the same according to law.

SEC. 5. That the County Court of Fulton, a majority of all the members concurring, shall proceed, as soon as practicable, to fix their county levy, and to raise a sum sufficient to defray the expenses of erecting the public buildings as aforesaid: *Provided, however,* That the said County Court shall not go beyond a sum sufficient to defray the expense of said buildings, having first included the sum raised by subscription for that purpose, which the said County Court is hereby authorized and empowered to collect in the name of the Trustee to whom it is made payable.

SEC. 6. That the said County Court shall receive a deed from the proprietor or proprietors of the public ground in the town of Smithland for the erection of the necessary public buildings thereon.

SEC. 7. That the county of Fulton shall be allowed five Constables to be appointed by the County Court, a majority of all the members being present, who shall, at the same time, lay off said county into districts as the law now requires in other counties in this Commonwealth. And that the qualified voters in the county of Fulton shall vote at all elections for Senators, Representatives and all other officers, which are now elected by the people, in the same manner as though the county had not been established; and the Sheriff of Fulton county shall meet and compare the votes, at such times and places as are now provided for by law regulating elections in this Commonwealth, as if the county of Fulton had not been formed.

SEC. 8. That the Sheriff of the county of Livingston, and the Collector of the county levy shall have power and authority to collect the county levy and revenue tax for the present year within the bounds of Fulton county, and account for the same in the same manner as though the said county had not been established.

SEC. 9. That Chittenden Lyon of the county of Caldwell, William Bradley of the county of Hopkins, James Brien of Calloway county, Charles C. Russell of McCrackin county, and Samuel P. McFall of Hickman county, be, and they are hereby, appointed Commissioners to select a suitable place for the permanent location of the seat of Justice for said county of Livingston; and when said Commissioners, or a majority of them, shall make report of said selection to the County Court of Livingston, the Justices thereof shall make provision for the purchase of a lot of ground, or receive a do-

nation of the same, for the erection of the public buildings; and until said buildings are erected, it shall be the duty of said County Court to select and procure a suitable house, at said place, in which the County and Circuit Courts for said county may be held; and whenever said house is procured, the said courts shall cease to be held in the town of Salem, and shall forthwith proceed to hold court at the point which may be selected; and that the Clerks of the Circuit and County Courts, together with all other officers in said county, shall proceed to remove all books, papers and effects appertaining to their respective offices to the place selected, at which place the seat of Justice for Livingston county shall be permanently established.

SEC. 10. That the county of Fulton shall be, and the same is hereby, attached to the sixteenth judicial district, and the Circuit Court for said county shall be holden on the fourth Mondays in the months of April, July and October, and continue six juridical days at each term, provided the business therein shall require it; and the County Court of said county shall sit on the fourth Mondays in each month in which the Circuit Court shall not be holden.

SEC. 11. That the Commissioners hereby appointed to select the site for for the seat of Justice for Livingston county shall be entitled to the sum of three dollars per day, each, during the time they may be engaged in going to, locating said seat of Justice, and returning home therefrom, payable out of the county levy of said county.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Weller and Tomlinson, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hughes,	Payne,
Messrs. De Courcy,	Jasper,	Pitts,
Ford,	Morgan, J. S.	Weller—9.

Those who voted in the negative were—

Messrs. Anderson,	Guthrie,	Schooling,
Ballinger,	Huston,	Slaughter,
Barlow,	James,	Sterett,
Bradshaw,	Jesup,	Tomlinson,
Burnett,	Johnston,	Wallace,
Clarke,	Morgan, D.	Walker, J. V.
Davidson,	Pratt,	Williams,
Dixon,	Rice,	Wingate—24.

The following bills were reported, viz:

By Mr. Wingate, from the committee on Religion—1. A bill for the divorce of Samuel Rohrer.

By Mr. Ballinger, from the committee directed to prepare and bring in the same—2. A bill to enforce the law prohibiting treating by candidates to procure their election.

Also—3. A bill to authorize and require the Register of the Land Office to register certain plats and certificates of survey.

By Mr. Rice, from the committee appointed to prepare and bring in the same—4. A bill to change the time of holding the Lawrence, Morgan, Pike and Floyd Circuit Courts.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second reading of the 1st, 2d and 3d bills being dispensed with,

Ordered, That the said bills be engrossed and read a third time.

The constitutional rule as to the second and third readings of the 4th bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Barlow, from the joint committee of Enrollments, reported that the committee had examined sundry enrolled bills which originated in the House of Representatives, of the following titles, and had found the same truly enrolled, viz:

An act to establish an additional election precinct in Campbell county.

An act legalizing the proceedings of the Marion County Court, held at the February term, 1839, and for other purposes.

An act to incorporate the town of Trenton, in Todd county.

An act to establish a State road from the mouth of Salt river, by way of Grayhampton and Big Spring, to intersect the Bowlinggreen road.

An act authorizing the appointment of county Treasurer in Harrison county.

An act for the benefit of Dicy Powell.

An act to extend the Constable's district in the town of Burksville.

An act to amend an act to organize two Fire Companies in the town of Lexington.

An act for the benefit of Marie McCaleb.

An act for the benefit of the late Sheriff of Daviess county.

An act to amend the law in relation to collecting tax on law process.

And that they had examined an enrolled bill which originated in the Senate, entitled, an act for the benefit of Pleasant Sandridge, late Sheriff of Green county.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Wickliffe—1. A bill to repeal the law establishing an inspection at Cleaveland landing, in Fayette county.

Also—2. A bill to punish the crime of swindling, and for other purposes.

Also—3. A bill for the benefit of Transylvania University, and for other purposes.

On the motion of Mr. Barlow—4. A bill for the benefit of Levi Giles, a lunatic.

On the motion of Mr. Tomlinson—5. A bill to allow the Sheriff of Mercer county further time to return his delinquent list.

On the motion of Mr. Weller—6. A bill to repeal the 7th, 8th and 9th sections of an act supplemental to an act, providing for the compensation of Jurors, approved February 23, 1837.

On the motion of Mr. Payne—7. A bill to extend the limits of the town of Germantown.

On the motion of Mr. Guthrie—8. A bill to amend the charter of the city of Louisville.

The committee on Internal Improvement was directed to prepare and bring in the 1st; the committee on Education the 3d; the committee of Finance the 5th; the committee on the Judiciary the 6th and 8th; Messrs. Wickliffe, Clarke and Jesup, were appointed a committee to prepare and bring in the 2d; Messrs. Barlow, Bradshaw and Williams the 4th; and Messrs. Payne, J. S. Morgan and D. Morgan the 7th.

Mr. De Courcy presented the petition of Elizabeth Higby, praying for a divorce from her husband, Jacob Higby—which was received and referred to the committee on Religion.

The Speaker laid before the Senate the annual report of the President and Directors of the Louisville and Portland Canal Company.

[For the report—see Appendix.]

On the motion of Mr. Anderson, the committee of Finance was discharged from the further consideration of so much of the report of the joint committee appointed to examine Transylvania University and the Lunatic Asylum, as relates to said University; and the same was referred to the committee on Education.

On the motion of Mr. Hughes, the select committee to whom was referred the petition of Charles Stewart and H. Logan, was discharged from the further consideration thereof, and it was referred to the committee on the Judiciary.

The resolution for the Second Auditor to furnish the Senate with the number of the black population in this State for each year since the last census, read and laid on the table by Mr. Payne on yesterday, was taken up and amended to read the "black *slave* population," and adopted.

The Senate, according to the standing order of the day, resolved itself

into a committee of the whole House on the state of the Commonwealth, Mr. Johnston in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Johnston reported that the committee had, according to order, had under consideration a bill to regulate the salaries of the Chancellor of the city of Louisville, the Circuit Judge of the ——— Judicial District, the City Judge of the city of Louisville, and the City Judge of the city of Lexington, and for other purposes, and had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which leave was granted.

Bills from the House of Representatives of the following titles, were severally read the first time, and ordered to be read a second time, viz:

1. An act for the benefit of Larkin B. Yates.
2. An act for the benefit of David Owen.
3. An act for the benefit of Richard Lucas, Sen'r.
4. An act for the benefit of the Jailer of Meade county.
5. An act for the benefit of William J. Kendrick.
6. An act to open a State road from John Hibbard's, in Clay county, to Prestonsburg, in Floyd county.
7. An act to amend the penal laws of this Commonwealth.
8. An act for the benefit of Robert McCalla.
9. An act providing for a change of venue in the case of the Commonwealth against Henry Younger.
10. An act for the benefit of the Master, Wardens and Brothers of Montgomery Lodge No. 23, of free and accepted Masons.
11. An act for the benefit of Alexander Howison.
12. An act to amend the law in relation to the Court of Appeals.
13. An act to explain and enforce an act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 4th, 1834—and an act to amend said act, approved February 8th, 1839.
14. An act to amend and reduce into one the several acts regulating the town of Henderson.
15. An act for the benefit of Joseph Shropshire.

The constitutional rule as to the second reading of the said bills being dispensed with, they were referred; the 1st and 2d to the committee of Finance; the 3d and 15th to the committee of Religion; the 4th, 5th, 7th, 9th, 10th, 11th, 12th, 13th and 14th to the committee on the Judiciary; the 6th to the committee of Internal Improvement; and the 8th to the committee on Military Affairs.

Engrossed bills of the following titles were severally read a third time, viz:

An act for the benefit of William Matthews.

An act to amend an act, entitled, an act to amend the law as to proceedings against non-resident and absent defendants, and unknown heirs.

An act to amend the law in relation to Garnishee by increasing the jurisdiction of Magistrates in such cases.

An act for the benefit of the heirs of George Pence, deceased.

An act for the benefit of the adopted child of Samuel L. and Tabitha Boicourt.

An act for the benefit of William Osburn and Thomas May.

An act for the benefit of the Louisville College.

An act to regulate charitable uses and prohibit grants in mortmain, and for other purposes.

An act for the benefit of Joseph H. Chrisman, and his securities.

An act for the benefit of Eliza L. Bryan.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Resolved, That the Senate insist on their amendments to bills from the House of Representatives of the following titles, viz:

An act to amend the laws in relation to taking depositions of non-resident witnesses.

An act for the benefit of Abner Belton.

On the motion of Mr. Dixon, leave was given to bring in a bill to amend the several acts to suppress the practice of duelling; and Messrs. Dixon, D. Morgan and Jesup, were appointed a committee to prepare and bring in the same.

Mr. Barlow, from the committee appointed for that purpose, reported a bill for the benefit of Levi Giles.

Which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, it was referred to the committee of Finance.

And then the Senate adjourned.

MONDAY, JANUARY 13, 1840.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate, to a bill from that House, entitled, an act for the benefit of Harvey Hazlerigg.

And that they had passed bills which originated in the Senate, of the following titles, viz:

An act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes.

An act for the benefit of the Sheriff of Marion county.

An act providing for the apprehension and detention of fugitives from justice from other States.

With an amendment to the latter bill.

And that they had passed bills of the following titles, viz:

An act to amend the law governing the action of replevin.

An act for the benefit of married women, where their husbands shall have abandoned them.

An act to amend the charter of the Covington Insurance Company.

An act to incorporate the town of West Liberty.

An act for the benefit of the Madison Troop of Cavalry.

An act for the benefit of William Woolfolk, of Oldham county.

An act giving Oldham county an additional Constable.

An act allowing one additional Justice of the Peace to Owen county.

An act allowing one additional Justice of the Peace to Rockcastle county.

An act for the benefit of Franklin Webb.

An act for the benefit of the Kentucky Baptist Education Society.

An act to change the place of voting at the Kennedy precinct, in Garrard county.

An act to allow an additional Justice of the Peace to the county of Hickman.

An act for the relief of certain citizens of Madison county.

Mr. Daniel Morgan presented the petition of sundry citizens of Fleming county.

Mr. Rice presented the petition of sundry citizens of Floyd county.

Mr. De Courcy presented three petitions of sundry citizens of Campbell county—all of which pray for the repeal of all laws licencing the retail of spirituous liquors, and for the passage of a law prohibiting the same.

The said petitions were received and referred to the committee of Religion.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act for the benefit of the Jailer of Meade county.

An act to amend an act, entitled, an act incorporating the town of Saloma, in Green county.

An act for the benefit of the Master, Wardens and Brothers of Montgomery Lodge No. 23, of free and accepted Masons.

An act for the benefit of William J. Kendrick.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,
Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Methodist Episcopal Church, in the county of Monroe, and for other purposes, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Clarke, from the committee of Education, to whom was referred, a bill to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Guthrie—1. A bill providing for the establishment of an Agricultural College and School.

On the motion of Mr. Huston—2. A bill for the benefit of the widow and infant heir of John Gilbert, deceased.

On the motion of Mr. Williams—3. A bill to change the place of voting in Perry county from the Forks of Troublesome, to the house of John Walker, on said creek, and to establish an election precinct at the house of George Isham, on the Line fork of Kentucky river, in said county.

On the motion of Mr. Clarke—4. A bill for the benefit of the President and Directors of the Danville, Lancaster and Nicholasville Turnpike Road Company.

On the motion of Mr. Pratt—5. A bill in relation to marriage.

On the motion of Mr. Slaughter—6. A bill to amend the Bardstown and Springfield Turnpike Road Company.

Messrs. Guthrie, Slaughter and Pratt, were appointed a committee to prepare and bring in the 1st; the committee on the Judiciary the 2d and 5th; the committee on Privileges and Elections the 3d; and the committee on Internal Improvement the 4th and 6th.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Guthrie—1. A bill providing for the establishment of an Agricultural College and School.

By Mr. Dixon—2. A bill to amend the several acts to suppress the practice of duelling.

By Mr. Wickliffe—3. A bill to establish the Mechanics' Institution, and Savings Institution of the city of Lexington.

Also—4. A bill to punish the crime of swindling.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 2d bill was amended and ordered to be engrossed and read a third time; the 4th was referred to the committee on the Judiciary, and the 1st and 3d were referred to the committee on Education; and the Public Printer was directed to print 150 copies of the first bill for the use of the General Assembly.

On the motion of Mr. Rice, leave was given to withdraw the petition of John N. Richardson.

Mr. Pitts read and laid on the table the following resolution, viz:

WHEREAS, it is ascertained that no settlement has yet taken place between the local Board of Commissioners, for the Green and Barren River Navigation and the Board of Internal Improvement for the State, since, as Commissioners, they have been receiving and disbursing the public money: and, whereas, it is oftentimes prejudicial to the State's interest to suffer such accounts to remain unbalanced—therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement appoint two persons, competent and well acquainted with accounts, whose duty it shall be to receive from that Board a correct account of all moneys, &c. with which they stand charged, and demand of the said Commissioners a full settlement of their accounts and vouchers for moneys paid out, and report said settlement as early thereafter to the Board of Internal Improvement as may be.

On the motion of Mr. Wickliffe,

Resolved, That the committee on the Executive Department proceed to examine the condition of the Secretary's office, and report to the Senate the manner in which the books, papers and records have been kept, especially what evidence exists as to the manner books, papers and maps have been disposed of, which have passed through said office from the Public Printers; whether there is any evidence of the amount or number of books, papers, &c. received from the Public Printers and distributed; whether there is any evidence of the number of fines and forfeitures remitted and pardons granted, and the reasons for such remissions or pardons; and, further, to enquire into the propriety of providing, by law, that it shall be the duty of the Secretary to keep a regular journal of all Executive acts; and that he shall make to the Senate, within the first — days of its session, each year, a report of the condition of his office, accompanied with a transcript of each case wherein the Executive has remitted fines and forfeitures or granted pardons.

The Senate resumed the consideration of a bill to fix the ratio and apportion the representation for the ensuing four years.

Mr. James moved that the said bill be passed over in the orders of the day.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. James and Barlow, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	James,	Rice,
Barlow,	Jasper,	Schooling,
De Courcy,	Jesup,	Wallace,
Dixon,	Morgan, D.	Williams,
Guthrie,	Pratt,	Wingate—16.
Hughes,		

Those who voted in the negative were—

Mr. Speaker,	Ford,	Pitts,
Messrs. Ballinger,	Huston,	Sterett,
Bradshaw,	Morgan, J. S.	Walker, J. V.
Burnett,	Murrell,	Weller,
Clarke,	Payne,	Wickliffe—16.
Davidson,		

Mr. Jasper then withdrew the motion to amend the said bill, made by him on Friday.

Mr. Pitts moved to amend the said bill by striking out *two* members to Warren county, and inserting in lieu thereof *one*.

And then the Senate adjourned.

TUESDAY, JANUARY 14, 1840.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

An act to establish the town of Walton, and for other purposes.

An act to change the place of voting at an election precinct in Henderson county.

An act to change the place of voting from Greenville C. Alfred's, in Washington county, to William Southerland's, and the place of voting in an election precinct in Floyd county.

An act establishing the Westport precinct, in Oldham county.

An act to establish an election precinct in Christian county.

An act to establish an election precinct in Bracken county, and for other purposes.

An act to change the place of voting in the Bowman precinct in Clay county.

1. Mr. J. S. Morgan presented the petition of Lewis Vimont, representing that great injustice has been done to him as Contractor of the Winchester and Lexington turnpike road, and praying for relief.

Also—2. The petition of the widow and heirs of William Hopkins, and others, praying for the passage of a law legalizing the proceedings of the Nicholas Circuit Court in decreeing a sale of 197 acres of land in Nicholas county, of which the said William Hopkins died seized.

3. Mr. Payne presented the petition of sundry citizens of Lewis county, praying that the penal laws in relation to counterfeiting Bank notes may be amended.

Which petitions were received and referred, the 1st to the committee of Internal Improvement, and the 2d and 3d to the committee on the Judiciary.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the petition of the heirs of Richard Coliver, dec'd, and the petition of Charles Stewart and H. Logan, reported the following resolution thereon, viz:

Resolved, That the said petitions be rejected—which was concurred in.

On the motion of Mr. Guthrie, the committee on the Judiciary was discharged from the further consideration of the petition of W. Bowman.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill to change the time of holding the Circuit Courts in the 16th Judicial District, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wingate, from the committee of Religion, to whom was referred bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of Abraham Ellington.
2. An act for the benefit of Mary Jackson.
3. An act for the benefit of Johanna Stewart.

Reported the same with the opinion of the committee that they ought not to pass.

Ordered, That the 1st and 2d bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the 1st and 2d bills do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the second bill, by Messrs. Ballinger and Rice, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,	Ford,	Pratt,
Messrs. Anderson,	Hughes,	Rice,
Barlow,	Huston,	Schooling,
Bradshaw,	James,	Slaughter,
Burnett,	Jasper,	Wallace,
Clarke,	Jesup,	Walker, J. V.
De Courcy,	Payne,	Williams—22.
Dixon,		

Those who voted in the negative were—

Messrs. Ballinger,	Morgan, J. S.	Weller,
Davidson,	Murrell,	Wickliffe,
Guthrie,	Pitts,	Wingate—11.
Morgan, D.	Sterett,	

The question being taken on reading the third bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Wingate, from the same committee, to whom was referred the petition of Simon Tufts, praying for a divorce, reported the following resolution thereon, viz :

Resolved, That the said petition be rejected—which was concurred in.

Mr. Wingate presented the petition of William H. Martin, praying to be released from a bond given by him for public arms—which was received and referred to the committee on Military Affairs.

Leave was given to bring in the following bills, viz :

On the motion of Mr. D. Morgan—A bill for the benefit of the Sheriff of Fleming county.

On the motion of Mr. Davidson—A bill for the relief of Alexander R. McKee.

The committee of Finance was directed to prepare and bring in the first, and Messrs. Davidson, Clarke and Ballinger, were appointed a committee to prepare and bring in the second.

The following bills were reported, viz :

By Mr. Guthrie, from the committee on the Judiciary—1. A bill providing for a change of venue in the case of the prosecution against Joseph McMillan.

2. A bill to amend the 9th section of an act, entitled, an act for regulating the solemnization of marriages, approved February 3d, 1798.

By Mr. Wickliffe, (leave being obtained,)—3. A bill to repeal an act to authorize permanent provision for resident females in Kentucky stocks, and guardians to invest the money of their wards in Bank stocks.

By Mr. Davidson, from a select committee—4. A bill for the relief of Alexander R. McKee.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was ordered to be engrossed and read a third time; the 2d and 3d were referred to the committee on the Judiciary, and the 4th to the committee of Finance.

The constitutional rule as to the third reading of the first bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Ballinger,

Resolved, That the Senate will, for the remainder of the present session, adjourn to meet at 9 o'clock, A. M.

A message, in writing, was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT,
January 14, 1840. }

Gentlemen of the Senate:

I nominate for your advice and consent, Charles Caines, to be Sheriff of the county of Lewis, in place of John Johnson, deceased.

C. A. WICKLIFFE.

Resolved, That the Senate advise and consent to the said appointment.

The Senate resumed the consideration of a bill to fix the ratio and apportion the representation for the ensuing four years. The amendment offered by Mr. Pitts of yesterday, was discussed for some time.

And then the Senate adjourned.

WEDNESDAY, JANUARY 15, 1840.

The Speaker took the Chair, and there was no quorum present. After waiting twenty five minutes after 9 o'clock, A. M., Mr. Payne moved that the Senate take a recess till 10 o'clock.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and Sterett, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Ford,	Payne,
Messrs. Anderson,	James,	Sterett,
Clarke,	Jasper,	Wingate—11.
Davidson,	Jesup,	

Those who voted in the negative were—

Messrs. Ballinger,	Guthrie,	Schooling,
Barlow,	Pitts,	Wallace,
Bradshaw,	Rice,	Williams—9.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz:

An act for the benefit of the adopted child of Samuel L. and Tabitha Boicourt.

An act for the benefit of the Louisville College.

And that they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act to incorporate the Bethlehem Methodist Episcopal Church, in the county of Monroe, and for other purposes.

That they adhered to their disagreement to the amendments, proposed by the Senate, to bills which originated in that House of the following titles, viz:

An act to amend the laws in relation to taking depositions of non-resident witnesses.

An act for the benefit of Abner Belton.

And had appointed a committee of conference, on their part, on the 2d bill, and requested the appointment of a committee on the part of the Senate.

And that they had passed bills of the following titles, viz:

An act to amend the executive laws of this Commonwealth.

An act giving Justices of the Peace jurisdiction in actions of trespass and trespass on the case where the damages laid are five pounds, and under.

An act for the benefit of James Sego.

An act for the benefit of the heirs of Samuel Craig, deceased.

An act providing for a change of venue in a prosecution for perjury against John Henry.

An act authorizing a change of venue in an action at law, depending in the Pulaski Circuit Court, wherein Rose, a woman of color, is plaintiff, and James T. Curd is defendant.

An act further to regulate the duties of the Trustees of the town of Bowlinggreen.

1. Mr. J. S. Morgan presented the petition of sundry citizens of Nicholas county, praying for the repeal of all laws authorizing the retail of spirituous liquors, and for the passage of a law prohibiting the sale of such liquors.

2. Also, the petition of Robert A. Long, praying for a divorce from his wife.

3. Mr. J. V. Walker presented four petitions of sundry citizens of Logan county, praying for the repeal of all laws authorizing the sale of spirituous liquors, and for the passage of a law to punish the crime of drunkenness.

4. Mr. Murrell presented the petition of Ann M. Young and Thomas Depp, her guardian, praying for the passage of a law authorizing the sale of a tract of land in Barren county.

Which petitions were received and referred; the 1st, 2d and 3d to the committee of Religion, and the 4th to the committee on the Judiciary.

Mr. Clarke, from the committee on Education, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to establish Marshall College:

An act to incorporate Pleasant Hill Meeting and School House, in Warren county, reported the same with amendments to each—which were concurred in.

Ordered, That the said bills be read a third time, as amended.

Mr. Jesup, from the committee on Military Affairs, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act for the benefit of Robert McCalla.

An act for the benefit of Thomas P. Moore.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Guthrie, from the committee on the Judiciary—1. A bill to incorporate the Mills' Point House Company.

By Mr. Clarke, from the committee of Finance—2. A bill for the benefit of the Sheriff of Hickman county.

By Mr Jesup, from the committee on Military affairs—3. A bill for the benefit of William H. Martin, and his securities.

By Mr. Payne, from a select committee—4. A bill extending the limits of the town Germantown.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Ordered, That the said bills be engrossed and read a third time.

The constitutional rule as to the third reading of the second bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The Speaker laid before the Senate the following report of the Second Auditor, viz:

FRANKFORT, KY. }
Auditor's Office, 15th January, 1840. }

SIR:

Finding it impossible to furnish the Senate, during the present session, "with the black slave population in the State of Kentucky, for each year "since the last census," as required by resolution of the 11th instant, I enclose a statement showing the number of slaves in each county for the year 1839. This statement, I hope, will answer for the present.

I am, very respectfully,

Your ob't serv't,

THOS. S. PAGE, 2d Aud.

HON. SAMUEL HANSON,
Speaker of the Senate.

A list showing the number of slaves in each county for the year 1839, viz:

Counties.	No. slaves in each.	Counties.	No. slaves in each.
Adair, - -	1,412	Clarke, - -	3,913
Allen, - -	1,013	Clay, - -	327
Anderson, - -	994	Cumberland, - -	1,341
Bracken, - -	762	Calloway, - -	718
Bullitt, - -	1,183	Casey, - -	482
Bourbon, - -	5,848	Clinton, - -	164
Barren, - -	3,763	Carroll, - -	727
Breckinridge, - -	1,630	Carter, - -	200
Boone, - -	1,926	Daviess, - -	1,756
Butler, - -	525	Edmondson, - -	372
Bath, - -	1,861	Estill, - -	449
Breathitt, - -	116	Franklin, - -	2,509
Campbell, - -	964	Fayette, - -	9,992
Caldwell, - -	1,881	Floyd, - -	171
Christian, - -	5,183	Fleming, - -	1,808

List continued.

Counties.	No. slaves in each.	Counties.	No. slaves in each.
Gallatin, - - -	521	Mason, - - -	3,779
Greenup, - - -	718	Monroe, - - -	550
Green, - - -	3,394	Meade, - - -	1,203
Grant, - - -	343	McCracken, - - -	558
Graves, - - -	656	Marion, - - -	2,160
Grayson, - - -	231	Nicholas, - - -	1,169
Garrard, - - -	3,055	Nelson, - - -	4,245
Henry, - - -	2,394	Ohio, - - -	710
Hart, - - -	924	Owen, - - -	1,052
Harlan, - - -	69	Oldham, - - -	1,979
Henderson, - - -	2,875	Pulaski, - - -	978
Hopkins, - - -	1,521	Perry, - - -	186
Hickman, - - -	1,306	Pendleton, - - -	418
Harrison, - - -	2,485	Pike, - - -	86
Harding, - - -	2,170	Rockcastle, - - -	341
Hancock, - - -	513	Russell, - - -	417
Jefferson, - - -	6,431	Simpson, - - -	1,297
Jessamine, - - -	3,136	Shelby, - - -	5,839
Knox, - - -	484	Scott, - - -	4,296
Lewis, - - -	379	Spencer, - - -	1,696
Lincoln, - - -	3,311	Todd, - - -	3,447
Laurel, - - -	118	Trigg, - - -	1,770
Lawrence, - - -	63	Trimble, - - -	589
Livingston, - - -	1,298	Union, - - -	1,491
Logan, - - -	4,419	Wayne, - - -	730
Muhlenburg, - - -	1,065	Woodford, - - -	5,091
Madison, - - -	4,899	Warren, - - -	2,718
Montgomery, - - -	2,518	Whitley, - - -	142
Mercer, - - -	4,561	Washington, - - -	858
Morgan, - - -	81		
Total number,			159,623

THOS. S. PAGE, *2d Auditor.*

On the motion of Mr Ballinger, the vote adopting the resolution for the Senate to meet at 9 o'clock, A. M., was reconsidered, and it was laid on the table.

Leave was given to bring in the following bills, viz :

On the motion of Mr. Guthrie—1. A bill to regulate the County Courts in this Commonwealth.

On the motion of Mr. Huston—2. A bill to amend an act, entitled, an act for the benefit of the widow and heirs of Francis Hagan, deceased, approved February 16, 1837.

On the motion of Mr. Wickliffe—3. A bill to amend the several laws concerning the lunatics and idiots of the State, and for other purposes.

4. A bill to amend the several acts in relation to the Sinking Fund, and for other purposes.

The committee on the Judiciary was directed to prepare and bring in the 1st and 2d, and Messrs. Wickliffe, Clarke and Ballinger, were appointed a committee to prepare and bring in the 3d; and the committee on the Sinking Fund the 4th.

Mr. Wickliffe offered a resolution. The rule of the Senate being dispensed with, the said resolution was taken up and adopted as follows, viz:

Resolved, That a standing committee be appointed to be styled, the committee on the Public Buildings, whose principal business it shall be to superintend the Capitol, the Public Offices, the public grounds, and the public interests connected therewith.

Whereupon, Messrs. Wingate, Schooling and Barlow were appointed a committee pursuant to said resolution.

On the motion of Mr. Guthrie, the committee on Education was discharged from the further consideration of a bill providing for the establishment of an Agricultural College and School, and the said bill was referred to the committee on Agriculture.

The Senate resumed the consideration of a bill to fix the ratio and apportion the representation for the ensuing four years.

The question being taken on the motion of Mr. Pitts to amend the bill by striking out *two* members from Warren county, and inserting "*one*," it was decided in the negative.

The yeas and nays being required thereon by Messrs. Barlow and Pitts, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Hughes,	Pratt,
Burnett,	James,	Rice,
De Courcy,	Jasper,	Wallace,
Guthrie,	Pitts,	Williams—12.

Those who voted in the negative were—

Mr. Speaker,	Huston,	Slaughter,
Messrs. Anderson,	Jesup,	Sterett,
Ballinger,	Morgan, D.	Walker, J. V.
Bradshaw,	Morgan, J. S.	Weller,
Clarke,	Murrell,	Wickliffe,
Davidson,	Payne,	Wingate—20.
Ford,	Schooling,	

Mr. Barlow moved to amend the said bill by striking out "*two*" members from the county of Christian, and inserting in lieu thereof "*one*," and by adding one member to Clinton county, so that Cumberland and Clinton counties have each one member.

Mr. Pitts called for a division of the question; and the question was taken on striking out two from Christian and inserting one, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Barlow and Davidson, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Hughes,	Pratt,
Barlow,	James,	Rice,
Burnett,	Jasper,	Wallace,
Guthrie,	Pitts,	William—12.

Those who voted in the negative were—

Mr. Speaker,	Huston,	Slaughter,
Messrs. Ballinger,	Jesup,	Sterett,
Bradshaw,	Morgan, D.	Walker, J. V.
Clarke,	Morgan, J. S.	Weller,
Davidson,	Murrell,	Wickliffe,
De Courcy,	Payne,	Wingate—20.
Ford,	Schooling,	

Mr. Barlow then withdrew the latter member of his amendment.

The bill was amended by transposing the counties of Harlan and Knox, so as to read, "Knox and Harlan."

Mr. Rice moved to amend the said bill so as to give to Floyd and Pike counties one member each.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rice and Murrell, were as follows:

Those who voted in the affirmative were—

Messrs. Anderson,	Hughes,	Schooling,
Barlow,	James,	Wallace,
Burnett,	Jasper,	Williams,
De Courcy,	Pratt,	Wingate—14.
Guthrie,	Rice,	

Those who voted in the negative were—

Mr. Speaker,	Huston,	Slaughter,
Messrs. Ballinger,	Jesup,	Sterett,
Bradshaw,	Morgan, D.	Walker, J. V.
Clarke,	Morgan, J. S.	Weller,
Davidson,	Murrell,	Wickliffe—17.
Ford,	Payne,	

Mr. D. Morgan moved to amend the bill by striking the county of Lewis from the 35th Senatorial District.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. D. Morgan and Schooling, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Hughes,	Rice,
Barlow,	James,	Schooling,
Burnett,	Jasper,	Weller,
De Courcy,	Morgan, D.	Williams,
Guthrie,	Pratt,	Wingate—15.

Those who voted in the negative were—

Mr. Speaker,	Ford,	Pitts,
Messrs. Ballinger,	Huston,	Slaughter,
Bradshaw,	Jesup,	Sterett,
Clarke,	Morgan, J. S.	Wallace,
Davidson,	Murrell,	Walker, J. V.
Dixon,	Payne,	Wickliffe—18.

Mr. Guthrie moved to amend the said bill so as to give the city of Louisville two members, and the county of Jefferson two, instead of three to the city of Louisville and one to the county of Jefferson.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Guthrie and Rice, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Hughes,	Schooling,
Barlow,	James,	Sterett,
Burnett,	Jasper,	Wallace,
De Courcy,	Pratt,	Williams,
Dixon,	Rice,	Wingate—16.
Guthrie,		

Those who voted in the negative were—

Mr. Speaker,	Ford,	Payne,
Messrs. Ballinger,	Huston,	Slaughter,
Bradshaw,	Jesup,	Walker, J. V.
Clarke,	Morgan, J. S.	Weller,
Davidson,	Murrell,	Wickliffe—15.

Mr. Pratt moved to amend the bill by striking one member from the county of Fayette, and adding one to the county of Scott, so that said counties have two members each.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Pratt and Jasper, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,
Barlow,
Burnett,
De Courcy,
Guthrie,

Hughes,
James,
Jasper,
Pratt,
Rice,

Schooling,
Wallace,
Williams,
Wingate—14.

Those who voted in the negative were—

Mr. Speaker,
Messrs. Ballinger,
Bradshaw,
Clarke,
Davidson,
Dixon,
Ford,

Huston,
Jesup,
Johnston,
Morgan, D.
Morgan, J. S.
Murrell,
Payne,

Pitts,
Slaughter,
Sterett,
Walker, J. V.
Weller,
Wickliffe—20.

Leave of absence was granted to Mr. Tomlinson.

And then the Senate adjourned.

THURSDAY, JANUARY 16, 1840.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate, to a bill from that House, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson.

And that they had passed bills which originated in the Senate, of the following titles, viz:

An act allowing Edward C. Hayden to build a mill dam across Salt river.

An act for the benefit of the Sheriff of Nicholas county.

An act to change the time of holding the Circuit Courts in the 16th Judicial District.

And that they had passed bills of the following titles, viz:

1. An act to authorize a change of venue in the trial of Buford M. Kuykendall.

2. An act for the benefit of the widow and children of Stephen H. Garton, deceased.

3. An act for the benefit of Elizabeth B. Fryar.

4. An act for the relief of the securities of John L. L. Moore, late Clerk of Simpson county.

5. An act to authorize the Secretary of State to furnish certain books to the Marion County and Circuit Courts.

6. An act for the benefit of William Simons and his committee.

7. An act giving the several Sheriffs of this Commonwealth further time to return their delinquent lists.

8. An act for the benefit of Patrick Doyle.

9. An act to amend the law limiting actions for the recovery of land by females and their heirs.

10. An act to establish the county of Kenton, and for other purposes.

The said bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st, 2d, 4th and 9th, were referred to the committee on the Judiciary; the 3d and 8th to the committee of Religion; the 5th, 6th and 7th, to the committee of Finance; and the 10th to the committee of Propositions and Grievances.

1. Mr. Murrell presented the petition of sundry citizens of Barren county, praying for the passage of a law allowing an additional Justice of the Peace to said county.

2. Mr. Clarke presented three petitions of sundry citizens of Woodford and Fayette counties, praying for the repeal of all laws authorizing the licensing the retail of spirituous liquors, and for the passage of a law prohibiting the retail of such liquors.

3. Mr. Pitts presented the petition of sundry citizens in the vicinity of lock and dam No. 3, on Green river, praying that the excavation of a canal for water power at said dam may be made.

Which petitions were received and referred; the 1st to the committee of Propositions and Grievances; the 2d to the committee of Religion, and the 3d to the committee of Internal Improvement.

Mr. Huston, from the committee of Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to establish an election precinct in Clay county, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The following bills were reported, viz:

By Mr. Guthrie, from the committee on the Judiciary—1. A bill to regulate the County Courts of this Commonwealth.

By Mr. James, from the committee on Banks—2. A bill to extend the charter of the Bank of the Commonwealth of Kentucky, and to authorize the appointment of a Commissioner to close the affairs of said Bank.

By Mr. Wickliffe, from a select committee—3. A bill to amend the sev-

eral acts concerning the lunatics and idiots of the State, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 3d were referred to the committee on the Judiciary, and the 2d to the committee on Banks.

Ordered, That the Public Printer print 150 copies of the first bill for the use of the General Assembly.

Mr. Barlow, from the joint committee of Enrollments, reported that the committee had examined sundry enrolled bills which originated in the House of Representatives, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Mary Jackson.

An act to incorporate the Bethlehem Methodist Episcopal Church in the county of Monroe, and for other purposes.

An act for the benefit of Abraham Ellington.

An act for the benefit of Harvey Hazlerigg.

An act to amend an act, entitled, an act to establish the county of Carroll, approved February 9th, 1839.

An act for the benefit of Thomas F. Thornton and Herman Bowmar.

An act to change the place of voting in an election precinct in McCracken county.

An act for the benefit of George W. Anderson.

An act for the benefit of William T. Sharp.

An act to establish election precincts in the county of Breathitt.

An act to amend an act, entitled, an act for the benefit of William Smith, of Harrison county.

Act to establish an election precinct in the county of Lewis, and for other purposes.

An act authorizing the Scott County Court to increase the levy for said county.

An act for the benefit of Ezra Richmond.

An act for the benefit of William J. Kendrick.

An act for the benefit of the Jailer of Meade county.

An act for the benefit of the Master, Wardens and Brothers of Montgomery Lodge No. 23, of free and accepted Masons.

An act to amend an act, entitled, an act incorporating the town of Saloma, in Green county.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Ac-

ting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Pitts—1. A bill to establish a State road from Hartford, by way of Rochester and McReary, to Russellville.

On the motion of Mr. J. S. Morgan—2. A bill to sell the Seminary belonging to Nicholas county, and vest the proceeds in building a schoolhouse.

On the motion of Mr. Schooling—3. A bill to better regulate the militia in the counties of Washington and Marion.

Messrs. Pitts, J. V. Walker and Sterett, were appointed a committee to prepare and bring in the 1st; the committee on Education was directed to prepare and bring in the 2d; and the committee on Military affairs the 3d.

Mr. Guthrie read and laid on the table the following resolution, viz:

Resolved by the Senate and House of Representatives, That a tomb stone be erected to the memory of James Clark, late Governor of Kentucky, with a suitable inscription thereon, and that the same be furnished by the Keeper of the Penitentiary; and that the Lieutenant and Acting Governor of this Commonwealth cause the same to be placed over the grave of the said Jas. Clark, deceased.

The Speaker laid before the Senate the annual report of the Board of Internal Improvement.

[*For the report—see Appendix.*]

Ordered, That the Public Printer print 1500 copies of said report, and 200 copies of the accompanying documents for the use of the Senate.

The Senate resumed the consideration of a bill to fix the ratio and apportion the representation for the ensuing four years.

Mr. Jasper moved to amend the bill by taking one member from Laurel county, and adding one to Pulaski county, so that Pulaski have two members.

Mr. Williams moved to recommit the said bill and amendment to a select committee of fifteen, to be appointed by the Speaker, which committee shall report as soon as practicable.

Mr. Payne moved to amend the said motion by adding thereto the following, viz: "With instructions that they should strike "two" from the county of Jefferson and insert "one," and strike "two" from the city of Louisville, and insert "three" to the city of Louisville."

Mr. Wickliffe called for the previous question. The question being taken "shall the main question be now put?" it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Jasper, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Ballinger,

Bradshaw,
Clarke,

Davidson,
Dixon,

Ford,
Huston,
Jesup,
Johnston,

Morgan, J. S.
Murrell,
Payne,
Slaughter,

Sterett,
Walker, J. V.
Weller,
Wickliffe—18.

Those who voted in the negative were—

Messrs. Anderson,
Barlow,
Burnett,
De Courcy,
Guthrie,
Hughes,

James,
Jasper,
Morgan D.
Pitts,
Pratt,

Rice,
Schooling,
Wallace,
Williams,
Wingate—16.

The question was then taken on engrossing the said bill and reading it a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wingate and De Courcy, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Ballinger,
Bradshaw,
Clarke,
Davidson,
Dixon,

Ford,
Huston,
Jesup,
Johnston,
Morgan, J. S.
Murrell,

Payne,
Slaughter,
Sterett,
Walker, J. V.
Weller,
Wickliffe—18.

Those who voted in the negative were—

Messrs. Anderson,
Barlow,
Burnett,
De Courcy,
Guthrie,
Hughes,

James,
Jasper,
Morgan, D.
Pitts,
Pratt,

Rice,
Schooling,
Wallace,
Williams,
Wingate—16.

Engrossed bills from the House of Representatives of the following titles, viz:

1. An act to amend the law governing the action of replevin.
2. An act for the benefit of married women, where their husbands shall have abandoned them.
3. An act to amend the charter of the Covington Insurance Company.
4. An act to incorporate the town of West Liberty.
5. An act for the benefit of the Madison Troop of Cavalry.
6. An act for the benefit of William Woolfolk, of Oldham county.
7. An act giving Oldham county an additional Constable.
8. An act allowing one additional Justice of the Peace to Owen county.
9. An act allowing one additional Justice of the Peace to Rockcastle county.

10. An act for the benefit of Franklin Webb.
11. An act for the benefit of the Kentucky Baptist Education Society.
12. An act to change the place of voting at the Kennedy precinct, in Garrard county.
13. An act to allow an additional Justice of the Peace to the county of Hickman.
14. An act for the relief of certain citizens of Madison county.
15. An act to establish the town of Walton, and for other purposes.
16. An act to change the place of voting at an election precinct in Henderson county.
17. An act to change the place of voting from Greenville C. Alfred's, in Washington county, to William Southerland's, and the place of voting in an election precinct in Floyd county.
18. An act establishing the Westport precinct, in Oldham county.
19. An act to establish an election precinct in Christian county.
20. An act to establish an election precinct in Bracken county, and for other purposes.
21. An act to change the place of voting in the Bowman precinct in Clay county.
22. An act to amend the execution laws of this Commonwealth.
23. An act giving Justices of the Peace jurisdiction in actions of trespass and trespass on the case where the damages laid are five pounds, and under.
24. An act for the benefit of James Sego.
25. An act for the benefit of the heirs of Samuel Craig, deceased.
26. An act providing for a change of venue in a prosecution for perjury against John Henry.
27. An act authorizing a change of venue in an action at law, depending in the Pulaski Circuit Court, wherein Rose, a woman of color, is plaintiff, and James T. Curd is defendant.
28. An act further to regulate the duties of the Trustees of the town of Bowlinggreen.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred, with an amendment offered to the 2d. The 1st, 2d, 3d, 4th, 7th, 8th, 9th, 10th, 13th, 15th, 22d, 23d, 25th, 26th, 27th, and 28th to the committee on the Judiciary; the 5th and 14th to the committee on Military Affairs; the 6th to the committee of Propositions and Grievances; the 11th to the committee on Education the 12th, 16th, 17th, 18th, 19th, 20th, and 21st, to the committee of Privileges and Elections; and the 24th to the committee of Finance.

And then the Senate adjourned.

FRIDAY, JANUARY 17, 1840.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act for the benefit of Joseph H. Chrisman and his securities.

And that they had passed bills of the following titles, viz:

An act to amend the law regulating the emancipation of slaves.

An act to amend an act, entitled, an act to establish the Southern Bank of Kentucky, approved February 20th, 1839.

An act for the benefit of John H. Slaughter.

An act legalizing the proceedings of the Court of Assessment of the 16th Regiment of Kentucky Militia, and for other purposes.

An act to establish the Lexington and Fayette Legion.

An act for the benefit of Edward Donoho.

An act to authorize the County Court of Daviess county to change that part of the State road leading from the mouth of Salt river to Shawneetown, which lies within the limits of the town of Owenborough.

An act for the benefit of Betty Ann Meadows.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act to incorporate the town of West Liberty.

An act to establish the town of Walton, and for other purposes.

An act further to regulate the duties of the Trustees of the town of Bowlinggreen.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the execution laws of this State, reported the same without amendment, and the said bill was placed in the orders of the day.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of N. S. Robertson, and for other purposes.

An act to explain and enforce an act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 4th, 1834—and an act to amend said act, approved February 8th, 1839.

Reported the same with an amendment to each—which were concurred in.

Ordered, That the said bills be read a third time, as amended.

The constitutional rule as to the third reading of the first bill being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred the petitions of Ann M. Young, and the petition of the guardians of the infant heirs of Luke Hazlewood, deceased, reported the same with the following resolution thereon, viz:

Resolved, That the said petitions be rejected—which was concurred in.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the Sheriff of Nicholas county.

An act for the benefit of the Sheriff of Marion county.

An act for the benefit of the Louisville College.

An act to change the time of holding the Circuit Courts in the 16th Judicial District.

An act to amend the militia law of this State.

An act allowing Edward C. Haydon to build a mill dam across Salt river.

An act for the benefit of the widow and children of Samuel Pryor, deceased.

An act for the divorce of Nelson Dyer.

An act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes.

An act for the benefit of the adopted child of Samuel L. and Tabitha Boicourt.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Mr. Rice, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of the counties of Caldwell, Hopkins, Livingston and Union, praying for a new county out of parts of said counties, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

On the motion of Mr. Dixon, the said petition was recommitted to the committee of Propositions and Grievances.

Mr. Rice, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to establish the county of Kenton,

and for other purposes, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The following bills were reported from the committee on the Judiciary, viz:

By Mr. Guthrie—A bill for the benefit of the infant children of William Hopkins, deceased.

By Mr. James—A bill authorizing the present Clerk of the Hickman County Court to record certain deeds.

Which bills were each read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Ballinger, from the committee of Internal Improvement, reported a bill for the benefit of the President, Directors and Company of the Danville, Lancaster and Nicholasville Turnpike Road Company, which was read the first time.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the orders of the day.

On the motion of Mr. Wickliffe, the committee of the whole was discharged from the further consideration of a bill to regulate the salaries of the Chancellor of the city of Louisville, the Circuit Judge of the — Judicial District, the City Judge of the city of Louisville, and the City Judge of the city of Lexington, and for other purposes, The said bill is as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in lieu of the salary heretofore paid to the Chancellor of the city of Louisville, there shall be paid to the said Chancellor a salary of two thousand dollars, to be paid out of the Treasury, quarterly, as other Judges of the State are paid their salary.

SEC. 2. That, hereafter, in lieu of the salary now allowed and paid to the Circuit of the — Judicial District, there shall be paid to the Judge of said District the sum of fifteen hundred dollars, annually, and no more; to be paid quarterly out of the Treasury, as other salaries are directed, by law, to be paid to Circuit Judges.

SEC. 3. There shall be paid to the City Judge of the city of Louisville, twelve hundred dollars, out of the Treasury, and no more, annually, and in quarterly payments, in lieu of the salary now paid him.

SEC. 4. There shall be paid, out of the Treasury, to the City Judge of the city of Lexington, five hundred dollars, and no more, in quarterly payments, in lieu of the salary now allowed said officer by law.

SEC. 5. *Be it further enacted*, That all laws requiring the city of Louisville and Lexington, and each of them, to pay any sum or sums into the Treasury, in consideration of the State paying any part of the salaries of

the before mentioned officers, or any of them, shall be, and the same is hereby, repealed.

SEC. 6. *Be it further enacted*, That so much of any act, or parts of acts, as allows the cities of Louisville and Lexington, or either of them, to withhold the fines and forfeitures accruing in those cities, shall be, and are hereby, repealed; and it shall be the duty of the officers collecting the fines and forfeitures within those cities, and each of them, respectively, to pay over, and account with the Trustees of the Jury Fund of the counties of Jefferson and Fayette, and each of them, in the same manner and time that other officers are directed to pay over and account for the fines and forfeitures arising in other counties or towns of the Commonwealth; and on failure to do so, they shall be subjected to like proceedings and penalties as are imposed on Sheriffs, or other collectors, failing to account for and pay over to the Trustees of the Jury Fund, the fines and forfeitures imposed and collected in their respective counties.

The question being taken on engrossing the said bill and reading it a third time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Wickliffe and De Courcy, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,
Bradshaw,
De Courcy,
James,

Jasper,
Jesup,
Morgan, J. S.
Schooling,

Weller,
Wickliffe,
Williams—11.

Those who voted in the negative were—

Mr. Speaker,
Messrs. Ballinger,
Burnett,
Clarke,
Davidson,
Dixon,

Guthrie,
Hughes,
Huston,
Johnston,
Payne,
Pratt,

Rice,
Slaughter,
Sterett,
Wallace,
Walker, J. V.
Wingate—18.

Two messages, in writing, were received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, one of the said messages, containing the nomination of Sheriff of Russell county, was taken up and referred to the committee on the Judiciary.

A message was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State, announcing that he had approved and signed sundry enrolled bills and resolutions, which originated in the Senate, of the following titles, viz:

An act for the benefit of the Surveyor of Bullitt county.

An act authorizing the sale of a Seminary lot, and the building thereon, in the county of Henry.

An act allowing the Trustees of the town of Taylorsville to close an alley, and for other purposes.

An act allowing to Willis Blanton, Surveyor of Franklin county, further time to give bond.

Approved January 7, 1840.

An act for the benefit of Pleasant Sandridge, late Sheriff of Green county.

Approved January 13, 1840.

Resolutions requiring information from the officers of the Banks.

Approved January 7, 1840.

The Speaker laid before the Senate a communication from the Secretary of State, enclosing a report of the Bank of Kentucky, which is as follows, viz :

EXECUTIVE DEPARTMENT, }
January 16, 1840. }

SIR :

Please lay before the Senate the inclosed report of the Bank of Kentucky.

Respectfully,

J. M. BULLOCK,
Secretary of State.

HON. SAMUEL HANSON,
Speaker of the Senate.

BANK OF KENTUCKY, }
Louisville, Jan. 14, 1840. }

DEAR SIR :

I herewith enclose, for the use of the Legislature, under the provisions of the charter, a statement of the condition of the Bank of Kentucky, closing with the year 1839.

Very respectfully,

GEO. C. GWATHMEY, *Cashier.*

J. M. BULLOCK Esq.,
Secretary of State.

Statement of the Resources and Liabilities of the Bank of Kentucky, on the 31st December, 1839.

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RESOURCES.

	Bills discounted.	Bills of Exchange.	Suspended Debt.	Real Estate.	Amount due by other Banks.	State and City Bonds.
Louisville,	1,254,241 59	667,399 08	145,913 59	29,589 15	118,415 47	1,630,000 00
Frankfort,	298,757 58	193,243 42	10,529 77	3,000 00	133,410 26	
Maysville,	499,458 94	128,646 47	13,254 01	3,000 00	35,107 18	
Lexington,	632,005 63	386,413 90	10,106 82	20,212 41	148,260 06	
Danville,	151,457 59	109,063 63	1,429 00	-	21,766 00	
Greensburg,	97,815 46	13,234 72	14,856 51	-	27,487 47	
Bowlinggreen,	167,988 93	19,110 00	2,234 00	7,006 87	47,533 00	
Hopkinsville,	238,816 53	36,712 75	545 10	-	37,439 85	
	\$3,340,542 25	\$1,553,823 97	\$198,868 80	62,808 43	\$569,419 29	\$1,630,000 00

RESOURCES.

	Treasury of the State.	Commissioners of Sinking Fund.	Bank Checks.	Suspence Account.	City of Louisville.	Specie.	Notes of other Banks.
Louisville,	3,500 00	29,199 82	39,685 69	1,009 71	6,000 00	73,480 40	56,631 00
Frankfort,	-	-	-	-	-	44,808 54	49,809 00
Maysville,	-	-	-	-	-	39,884 46	25,993 00
Lexington,	-	-	-	-	-	73,583 28	4,616 46
Danville,	-	-	-	-	-	75,050 18	13,639 00
Greensburg,	-	-	-	-	-	30,517 82	13,371 00
Bowlinggreen,	-	-	-	-	-	55,975 56	47,703 00
Hopkinsville,	-	-	-	-	-	88,230 35	3,182 00
	\$3,500 00	\$29,199 82	\$39,685 69	\$1,009 71	\$6,000 00	\$481,530 58	\$214,950 46

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[Jan. 17.

LIABILITIES.

	Capital.	Notes in circulation.	Deposits.	Due to other Banks.	Treasurer of State.	Commissioners of Sinking Fund.	Board of Education.
Louisville,	2,499,305 00	515,286 00	123,679 11	441,782 28	-	-	-
Frankfort,	300,000 00	313,805 00	46,116 08	11,569 20	34,398 26	10,577 56	1,411 61
Maysville,	550,000 00	109,640 00	49,038 90	16,958 88	-	-	-
Lexington,	650,000 00	443,685 00	124,865 03	26,710 40	-	-	-
Danville,	150,000 00	182,780 00	26,162 02	3,963 38	-	-	-
Greensburg,	125,000 00	62,995 00	5,916 62	667 55	-	-	-
Bowlinggreen,	175,000 00	153,140 00	9,335 46	4,200 87	-	-	-
Hopkinsville,	250,000 00	137,130 00	9,451 40	594 01	-	-	-
	\$4,699,305 00	\$1,918,461 00	\$394,564 62	\$506,446 57	\$34,398 26	\$10,577 56	\$1,411 61

LIABILITIES.

	Bank of United States.	District Court of the United States.	Dividends.	Contingent Fund.	Real Estate Fund.	Profit & Loss.	D. Kurts, distributing agent.
Louisville,	275,000 00	600 00	7,519 68	100,000 00	7,500 00	76,893 43	7,500 00
Frankfort,	-	113 83	-	-	-	15,567 03	-
Maysville,	-	-	-	-	-	19,706 28	-
Lexington,	-	-	-	-	-	29,938 13	-
Danville,	-	-	-	-	-	9,500 00	-
Greensburg,	-	-	-	-	-	2,703 81	-
Bowlinggreen,	-	-	-	-	-	5,875 02	-
Hopkinsville,	-	-	-	-	-	7,757 17	-
	\$275,000 00	\$713 83	\$7,519 68	\$100,000 00	\$7,500 00	\$167,940 87	\$7,500 00

JAN. 17.]

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Recapitulation of the foregoing statement.

RESOURCES.	Dollars.	LIABILITIES.	Dollars.
Bills discounted,	3,340,542 25	Capital stock,	4,699,305 00
Bills of exchange,	1,553,823 97	Notes in circulation,	1,918,461 00
Suspended debt,	198,868 80	Individual deposits,	394,564 62
Real estate,	62,808 43	Due to other Banks,	506,446 57
Amount due by other Banks,	569,419 29	Treasurer of the State, (Frankfort,)	34,398 26
State and City Bonds,	1,630,000 00	Commissioners of Sinking Fund, (Frankfort,)	10,577 56
Treasurer of the State, (Louisville,)	3,500 00	Board of Education,	1,411 61
Commissioners of Sinking Fund,	29,199 82	Bank of United States,	275,000 00
Bank checks,	39,685 69	District Court of United States,	713 83
Suspense account,	1,009 71	Dividends unpaid,	7,519 68
City of Louisville,	6,000 00	Contingent Fund,	100,000 00
Cash in gold and silver,	481,530 58	Real Estate Fund,	7,500 00
Cash in notes of other Banks,	214,950 46	D. Kurts, distributing agent,	7,500 00
		Net profit to 31st December,	167,940 87
	8,131,339 00		8,131,339 00

Profit and Loss account from June 30th, to December 31st, 1839.

Balance of Profit and Loss, June 30th, 1839,	\$ 844 03
Discounts and Premiums at Principal Bank,	58,037 52
Interest on State and City Bonds,	41,449 82
Net profits of Branches,	91,047 44
	<u>\$191,378 81</u>
Deduct expence account, interest account, and real estate fund,	23,437 94
Balance of profits, December 31, 1839.	<u>\$167,940 87</u>

Table showing the amount of each denomination of notes in circulation.

	Notes of \$100.	Notes of \$50.	Notes of \$20.	Notes of \$10.	Notes of \$5.	Notes of \$4.	Notes of \$3.	Notes of \$2.	Notes of \$1.
Louisville, . . .	890	1,510	6,260	9,361	18,216	1,313	3,153	5,160	15,865
Frankfort, . . .	1,267	1,350	3,091	1,826	7,905				
Maysville, . . .	343	360	855	1,753	4,542				
Lexington, . . .	1,750	1,623	3,271	7,584	9,255				
Danville, . . .	311	281	2,448	3,674	10,386				
Greensburg, . . .	-	-	754	2,572	4,439				
Bowlinggreen, . . .	578	579	432	4,204	3,142				
Hopkinsville, . . .	210	207	1,185	3,596	9,224				
	5,349	5,910	18,296	34,570	67,109	1,313	3,153	5,160	15,865

5,349 notes of \$100	. . . . .	\$534,900
5,910 notes of 50	. . . . .	295,500
18,296 notes of 20	. . . . .	365,920
34,570 notes of 10	. . . . .	345,700
67,109 notes of 5	. . . . .	335,545
1,313 notes of 4	. . . . .	5,252
3,153 notes of 3	. . . . .	9,459
5,160 notes of 2	. . . . .	10,320
15,865 notes of 1	. . . . .	15,865
		<u>\$1,918 461</u>

GEORGE C. GWATHMEY, *Cashier.*BANK OF KENTUCKY, LOUISVILLE, *December 31st, 1839.*

On the motion of Mr. Pratt, leave was given to withdraw the petition of Elizabeth Ward.

A bill further to amend the laws against usury, came up in the orders of the day; it was amended, and another amendment being offered, the Senate adjourned.

SATURDAY, JANUARY 18, 1840.

A message was received from the House of Representatives, announcing that they had received official information that the Lieutenant and Acting Governor had approved and signed enrolled bills and resolutions, which originated in that House, of the following titles, viz:

An act for the benefit of Eleanor Jones.

An act for the benefit of Pierre Theodore Cuvillier.

Approved December 22, 1839.

An act to change the form of the Commissioners' books of taxable property, and to regulate the duties of the Commissioners of tax, and other officers, in relation to the same.

Approved January 4, 1840.

An act to reduce the number of Justices in Henry county.

An act to amend an act, entitled, an act to regulate the election of Trustees for the town of Port Oliver, in Allen county.

An act for the benefit of Louisiana Esters.

An act authorizing the Commissioners of the Sinking Fund, and the Board of Education, to sue and be sued.

An act for the benefit of Cornelius Snider.

An act for the benefit of Harriet Wilkerson.

An act for the benefit of America Pearson.

An act for the benefit of Joshua Holsclaw.

An act for the benefit of indigent children received in the City Hospital of Lexington.

An act for the benefit of John Shaw, David L. Gregg and Joseph Le-compte.

An act to have the line run and marked between the counties of Montgomery and Clarke.

An act to change the name of Thomas Farrer to that of Thomas F. Daniel.

Approved January 7, 1840.

An act for the benefit of the late Sheriff of Daviess county.

An act to amend the law in relation to collecting tax on law process.

An act authorizing the appointment of county Treasurer in Harrison county.

An act to establish a State road from the mouth of Salt river, by way of Grayhampton and Big Spring, to intersect the Bowlinggreen road.

An act to incorporate the town of Trenton, in Todd county.

An act to establish an additional election precinct in Campbell county.

An act legalizing the proceedings of the Marion County Court, had at the February term, 1839, and for other purposes.

An act for the benefit of Marie McCaleb.

An act to amend an act to organize two Fire Companies in the town of Lexington.

An act to extend the Constable's district in the town of Burksville.

An act for the benefit of Dicy Powell. Approved January 13, 1840.

An act for the benefit of Harvey Hazlerigg.

An act for the benefit of Abraham Ellington.

An act to amend an act, entitled, an act to establish the county of Carroll, approved February 9th, 1838.

An act for the benefit of Thomas F. Thornton and Herman Bowmar.

An act to change the place of voting in an election precinct in McCracken county.

An act for the benefit of George W. Anderson.

An act for the benefit of William T. Sharp.

An act to establish election precincts in the county of Breathitt.

An act for the benefit of the Jailer of Meade county.

An act for the benefit of William J. Kendrick.

An act to amend an act, entitled, an act incorporating the town of Saloma, in Green county.

An act for the benefit of the Master, Wardens and Brothers of Montgomery Lodge No. 23, of free and accepted Masons.

An act for the benefit of Ezra Richmond.

An act authorizing the Scott County Court to increase the levy for Scott county.

Act to establish an election precinct in the county of Lewis, and for other purposes.

An act to amend an act, entitled, an act for the benefit of William Smith, of Harrison county.

An act to incorporate the Bethlehem Methodist Episcopal Church in the county of Monroe, and for other purposes.

An act for the benefit of Mary Jackson.

Approved January 16, 1840.

A resolution to appoint a committee to examine Transylvania University and the Lunatic Asylum.

A resolution to fire a national salute on the 8th instant.

Approved January 7, 1840.

And that they had passed bills of the following titles, viz:

1. An act to amend an act, entitled, an act to amend the road law in Campbell and Bracken counties.
2. An act for the benefit of Maston Glidewell and Susanna Holebrook.
3. An act to change the time of holding the Trimble County Court.
4. An act for the benefit of Thomas Cunningham.
5. An act for the benefit of Asa Vanlandingham, late Sheriff of Grant county.
6. An act to amend an act, entitled, an act to extend the powers of the Trustees of the town of Cynthiana, in Harrison county, approved February 12, 1838.
7. An act to amend an act, entitled, an act for the benefit of the county of Jefferson.
8. An act for the benefit of William Dunaway.
9. An act to change the place of voting in the North Fork precinct in Morgan county.
10. An act to regulate the County Courts of Montgomery.
11. An act to allow an additional Constable to the county of Nicholas.
12. An act to incorporate the town of Lagrange.
13. An act for the benefit of Mechanics in the towns of Bowlinggreen, Russellville and Owenboro'.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee of Internal Improvement; the 2d, 3d, 6th, 8th, 10th, 11th, 12th and 13th, to the committee on the Judiciary; the 4th to the committee of Propositions and Grievances; the 5th to the committee on Finance; the 7th to the committee on Education; and the 9th to the committee of Privileges and Elections.

1. Mr. Hughes presented the petition of sundry citizens of the town of Lagrange, praying for the passage of a law authorizing the County Court of Oldham to convey to the Trustees of the Seminary of said town, a house and lot, and to appoint Trustees for said Seminary.

2. Mr. Payne presented the petition of Lewis Vimont, praying that a law may pass giving him relief as Contractor on the Winchester and Lexington turnpike road.

3. Also, the petition of H. Waller, praying for the passage of a law incorporating the Maysville Athenæum.

4. Mr. Bradshaw presented the petition of sundry citizens of Russell county, praying that the County Court of said county may be authorized to sell their Clerk's office.

5. Mr. Wallace presented the petition of William Withers, praying for the passage of a law authorizing the said Withers and his wife, (who is under the age of 21 years,) to convey a tract of land in Scott county.

6. Mr. Ford presented the petition of Thomas S. Burton, who is under 21 years of age, praying that his guardian may be authorized to pay over to him the money and slaves belonging to him, in the hands of his said guardian.

Which petitions were received and referred; the 1st and 3d to the committee on Education; the 2d to the committee of Internal Improvement; and the 4th, 5th and 6th to the committee on the Judiciary.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the following message from the Lieutenant and Acting Governor, viz:

EXECUTIVE OFFICE,
January 17th, 1840. }

Gentlemen of the Senate:

In obedience to the provisions of the Constitution upon the subject, the County Court of Russell did, at their October term, 1839, recommend to the Governor of the Commonwealth, James Duncan and Hugh French, as fit persons to fill the office of Sheriff of said county, both being members of the County Court. Upon the 8th day of November, I commissioned James Duncan as Sheriff of said county, being the one first named in the order of the County Court, to fill the vacancy occasioned by the expiration of the term of office of W. Lair.

At the January term of the said County Court for the year 1840, James Duncan, in open court, refused to accept the office, and resigned his office as Justice of the Peace. I have been called upon to appoint another person as Sheriff, and confess myself to be embarrassed in the discharge of my duty upon this subject, by the provisions of the 31st section and 3d article of the Constitution. Has the Governor the right to select any individual, and nominate him to the Senate, or does it become his duty to commission the other person recommended by the County Court, with or without the concurrence of the Senate? I do not know that the question has ever before occurred, and feel unwilling, in a case of so much doubt, to settle a precedent without the aid of the advice of the Senate, who, upon this subject, I regard as the constitutional advisers of the Executive.

The other person, recommended by the County Court, has, in writing, said: "I certify that I am senior Magistrate of Russell county, Kentucky, and that I have no objections to Jonathan Williams being appointed in the place of James Duncan." This, however, does not free the subject of the difficulty presented to my mind. In order that the Senate of Kentucky may have the question before them, I nominate for their advice and consent, Jonathan Williams, as Sheriff of the county of Russell, in place of James Duncan, commissioned, but who has refused to accept the office. It gives

me pleasure to state, that I am furnished with the highest evidence of the integrity and qualifications of Mr. Williams.

Respectfully,
C. A. WICKLIFFE.

Made the following report thereon, viz:

The committee on the Judiciary, to whom was referred the message of the Acting Governor, nominating Jonathan Williams as Sheriff of the county of Russell, have had the same under consideration, and beg leave to report:

That inasmuch as the County Court of Russell recommended two members of their own body, as fit and proper persons for Sheriff of said county, one of whom was commissioned by the Governor, and declined to act, and the other, by his recommendation of another person, has also declined to act, the case does not arise as provided in the 31st section of the 3d article, in which the Governor is authorized, with the advice and consent of the Senate, to appoint a fit person to fill the office, yet, as by the 9th section of the 3d article, the Governor is vested with power to nominate, and by and with the advice and consent of the Senate, appoint all officers whose offices are established by the Constitution, or shall be established by law, and whose appointments are not herein otherwise provided for; and as the office of Sheriff of each county may be considered as established by the Constitution, and as the appointment is not provided for by the 31st section of the 3d article, it is an office not otherwise provided for by the Constitution, and comes under the provision of the 9th section of the 3d article aforesaid, and therefore the committee recommend that the nomination of Jonathan Williams be confirmed.

Resolved, That the Senate advise and consent to the said appointment.

Mr. Jesup, from the committee on Military Affairs, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act for the benefit of the Madison Troop of Cavalry.

An act for the relief of certain citizens of Madison county.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate resumed the consideration of a bill for the benefit of the President, Directors and Company of the Danville, Lancaster and Nicholasville Turnpike Road Company.

Ordered, That the said bill be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was placed in the orders of the day.

Mr. Johnston, from the committee on Finance, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act giving the several Sheriffs of this Commonwealth further time to return their delinquent lists.

An act to authorize the Secretary of State to furnish certain books to the Marion County and Circuit Courts.

An act for the benefit of Larkin B. Yates.

An act for the benefit of David Owen.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Johnston, from the same committee, to whom was referred the petition of Thomas Grimes, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

The following bills were reported, viz:

By Mr. Johnston, from the committee of Finance—1. A bill to extend and continue in force an act, approved 29th February, 1836, entitled, an act extending, for a certain period and with certain limitations, the charter of the old Bank of Kentucky.

By Mr. Jesup, from the committee on Military Affairs—2. A bill to regulate the militia of the counties of Marion and Washington.

By Mr. Pitts, from a select committee—3. A bill establishing a State road from Hartford to Russellville.

By Mr. Johnson, (leave being obtained)—4. A bill to amend an act, entitled, an act to establish a State road from Shelbyville, by Floydsburg and Brownsboro', to Harmony Landing on the Ohio river.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was placed in the orders of the day; the 2d and 3d were ordered to be engrossed and read a third time, and the 4th was referred to the committee of Internal Improvement.

The constitutional rule as to the third reading of the second bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Johnston, from the committee of Finance, to whom was referred a bill for the relief of Alexander R. McKee, reported the same with the opinion of the committee that it ought not to pass.

An amendment was offered to the said bill, and the bill and amendment recommitted to the committee of Finance.

Mr. Clarke, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Kentucky Baptist Education Society, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Clarke from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the German-town Academy, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Dixon presented the petition of George W. King, praying for the passage of a law to establish a town in the county of Henderson, to be called Lafayette.

Which was received and referred to the committee on the Judiciary.

The Senate resumed the consideration of a bill further to amend the laws against usury. The said bill was placed in the orders of the day, and the Public Printer directed to print 150 copies of the amendment offered thereto, for the use of the General Assembly.

An act providing for the apprehension and detention of fugitives from justice from other States, and the amendments proposed thereto by the House of Representatives, were referred to the committee on the Judiciary.

Resolved, That the Senate adhere to the amendments proposed by them to a bill from the House of Representatives, entitled, an act to amend the laws in relation to taking depositions of non-resident witnesses.

Messrs. Guthrie, Dixon and Sterett, were appointed a committee of conference, on the part of the Senate, on a bill from the House of Representatives, entitled, an act for the benefit of Abner Belton.

An engrossed bill, entitled, an act to amend an act, entitled, an act to authorize Jailers to serve process in certain cases, approved February 9, 1836, was read the third time, and recommitted to the committee on the Judiciary.

An engrossed bill, entitled, an act to enforce the law prohibiting treating by candidates to secure their election, was read the third time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the 22d section of an act, entitled, an act more effectually to guard the right of suffrage, and for other purposes, approved February 13th, 1828, as renders the person receiving a treat incompetent as a witness against the person accused of treating, be, and the same is hereby, repealed.

The question being taken on the passage thereof, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Guthrie and Ballinger, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,
 Barlow,
 Davidson,
 De Courcy,

Hughes,
 Jasper,
 Morgan, J. S.
 Rice,

Schooling,
 Wickliffe,
 Williams—11.

Those who voted in the negative were—

Mr. Speaker,	Guthrie,	Pitts,
Messrs. Anderson,	Huston,	Pratt,
Bradshaw,	James,	Slaughter,
Burnett,	Jesup,	Sterett,
Clarke,	Johnston,	Wallace,
Dixon,	Murrell,	Walker, J. V.
Ford,	Payne,	Weller—21.

Engrossed bills of the following titles were severally read a third time, viz:

An act for the divorce of Samuel Rohrer.

An act to authorize and require the Register of the Land Office to register certain plats and certificates of survey.

An act to amend the several acts to suppress the practice of duelling.

An act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky.

An act to incorporate the Mills' Point House Company.

An act for the benefit of William H. Martin, and his securities.

An act extending the limits of the town of Germantown.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

An engrossed bill, entitled, an act to fix the ratio and apportion the representation for the ensuing four years, was read the third time, and the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Jasper and Wallace, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Huston,	Pitts,
Messrs. Ballinger,	James,	Roberts,
Bradshaw,	Jesup,	Slaughter,
Clarke,	Johnston,	Sterett,
Davidson,	Morgan, J. S.	Walker, J. V.
Dixon,	Murrell,	Weller,
Ford,	Payne,	Wickliffe—21.

Those who voted in the negative were—

Messrs. Anderson,	Hughes,	Schooling,
Barlow,	Jasper,	Wallace,
Burnett,	Pratt,	Williams,
De Courcy,	Rice,	Wingate—13.
Guthrie,		

Resolved, That the title of the said bill be as aforesaid.

A bill authorizing limited partnerships in this Commonwealth, was made the order of the day for Thursday next.

A bill to amend the law as to the emancipation of slaves, was referred to the committee on the Judiciary.

A bill to establish the Lexington Cemetery, was amended and ordered to be engrossed and read a third time.

A resolution for settling the accounts of the Board of Commissioners for Green river, read and laid on the table by Mr. Pitts on the 13th inst., was taken up and adopted.

A bill from the House of Representatives, entitled, an act for the benefit of Martha French, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were severally read the third time, as amended, viz :

An act allowing three additional County Courts to the county of Garrard.

An act to incorporate Pleasant Hill Meeting and School House, in Warren county.

An act to establish Marshall College.

An act to establish the county of Kenton, and for other purposes.

Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to establish an election precinct in Clay county, was read the third time, as amended.

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, "an act to establish election precincts in the counties of Clay and Daviess."

Bills from the House of Representatives of the following titles, were severally read the first time, and ordered to be read a second time, viz :

1. An act to amend the law regulating the emancipation of slaves.

2. An act to amend an act, entitled, an act to establish the Southern Bank of Kentucky, approved February 20th, 1839.

3. An act for the benefit of John H. Slaughter.

4. An act legalizing the proceedings of the Court of Assessment of the 16th Regiment of Kentucky Militia, and for other purposes.

5. An act to establish the Lexington and Fayette Legion.

6. An act for the benefit of Edward Donoho.

7. An act to authorize the County Court of Daviess county to change that part of the State road leading from the mouth of Salt river to Shawneetown, which lies within the limits of the town of Owenborough.

8. An act for the benefit of Betty Ann Meadows.

The constitutional rule as to the second reading being dispensed with, the 1st, 2d, 6th and 8th, were referred to the committee on the Judiciary; the 3d, 4th and 5th to the committee on Military Affairs, and the 7th to the committee on Internal Improvement.

On the motion of Mr. Murrell, leave was given to bring in a bill to authorize the completion of the Glasgow and Scottsville turnpike road; and the committee on Internal Improvement was directed to prepare and bring in the same.

And then the Senate adjourned.

MONDAY, JANUARY 20, 1840.

A message was received from the House of Representatives, announcing that they had disagreed to a bill from the Senate, entitled, an act providing for a change of venue in the case of the prosecution against Joseph McMillen.

That they had passed bills which originated in the Senate, of the following titles, viz:

An act for the benefit of Eliza L. Bryan.

An act for the benefit of the heirs of George Pence, deceased.

An act to authorize the Trustees of the town of Princeton to sell and convey a part of an alley in said town.

An act to amend an act, entitled, an act to amend the law as to proceedings against non-resident and absent defendants, and unknown heirs.

An act for the benefit of William Matthews.

With an amendment to the last named bill.

And that they had passed bills of the following titles, viz:

An act to change the time of holding the Circuit Courts for the counties of Simpson, Allen and Warren.

An act to incorporate the Georgetown Fire Company.

An act regulating the appointment of Commissioners in chancery.

An act to amend an act, incorporating the Paris Fire, Life and Marine Insurance Company.

An act for the benefit of Charles Faulkner.

An act allowing additional Justices of the Peace to the counties of Graves and Wayne.

An act allowing further time to the several County Courts of this Commonwealth to furnish a standard of weights and measures.

An act allowing the Trustees of the town of Newcastle to open an alley.

An act for the benefit of the heirs of William Taylor, deceased.

An act for the benefit of Margaret M. Pulliam.

An act for the benefit of William E. Grider.

An act for benefit of Catharine J. Lloyd.

An act for the benefit of Joseph McGlothlin.

An act for the benefit of Hiram F. Cravens.

1. Mr. Rice presented the petition of sundry citizens of Pike county, praying for the repeal of the law authorizing licenses for retailing spirituous liquors, and the passage of a law prohibiting the sale of such liquors.

2. Mr. Jasper presented the petition of Hiram Phillips, praying for the passage of a law authorizing him to bring some slaves into this State.

3. Mr. Payne presented the petition of the members of an Engine company in the city of Maysville, praying for the passage of a law exempting them from Militia duty.

Which petitions were received; the 1st was referred to the committee of Religion; the 2d to the committee of Propositions and Grievances, and the 3d to the committee on the Judiciary.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act providing for a change of venue in the case of the Commonwealth against Henry Younger.

An act providing for a change of venue in a prosecution for perjury against John Henry.

Reported the same with amendments to each—which were concurred in.

Ordered, That the said bills be read a third time, as amended.

The constitutional rule as to the third reading of the second bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act to incorporate the town of Lagrange.

An act to authorize a change of venue in the trial of Buford M. Kuykendall.

An act to change the time of holding the Trimble County Court.

An act for the benefit of Maston Glidewell and Susanna Holebrook.

An act for the benefit of Betty Ann Meadows.

An act to amend an act, entitled, an act to extend the powers of the Trustees of the town of Cynthiana, in Harrison county, approved February 12, 1838.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, reported the same with the opinion of the committee that they ought not to pass, viz:

An act allowing one additional Justice of the Peace to Owen county.

An act to allow an additional Constable to the county of Nicholas.

An act giving Oldham county an additional Constable.

An act to allow an additional Justice of the Peace to Whitley county, and for other purposes.

An act allowing one additional Justice of the Peace to Rockcastle county.

The question being taken on reading the said bills a third time, it was decided in the negative, and so the said bills were disagreed to.

On the motion of Mr. Payne, the vote disagreeing to the second bill was reconsidered, and it was recommitted to the committee on the Judiciary.

Mr. Guthrie, from the same committee, to whom was referred the following bills, viz:

A bill to amend the act, entitled, an act to authorize Jailers to serve process in certain cases, approved February 9, 1836.

A bill to regulate the County Courts in this Commonwealth, reported the same with amendments to each—which were concurred in.

Ordered, That the first bill be engrossed and read a third time, and that the second be placed in the orders of the day.

The constitutional rule as to the third reading of the first bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Huston, from the committee of Privileges and Elections, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act to change the place of voting in the North Fork precinct in Morgan county.

An act to change the place of voting at an election precinct in Henderson county.

An act to establish an election precinct in Bracken county, and for other purposes.

An act to establish an election precinct in Carroll county.

An act to establish an election precinct in Christian county.

An act to change the place of voting in the Bowman precinct in Clay county.

An act establishing the Westport precinct, in Oldham county.

An act to change the place of voting from Greenville C. Alfred's, in Washington county, to William Southerland's, and the place of voting in an election precinct in Floyd county.

An act to change the place of voting at the Kennedy precinct, in Garrard county.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, viz :

By Mr. Guthrie, from the committee on the Judiciary—1. A bill to amend the charter of the city of Louisville.

By Mr. Rice, from the committee of Propositions and Grievances—2. A bill authorizing the County Court of Bullitt county to sell the old jail and jail lot, and to build a new jail.

Also—3. A bill allowing an additional Justice of the Peace to Barren county.

By Mr. Huston, from the committee of Privileges and Elections—4. A bill to change the place of voting at an election precinct in Perry county, and to establish a new precinct in said county.

Also—5. A bill to establish an election precinct in Owen county.

Also—6. A bill to amend the election laws of this Commonwealth.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 6th were referred to the committee on the Judiciary ; and the others were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 3d, 4th and 5th bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Huston, from the committee of Privileges and Elections, made the following report, viz :

The committee of Privileges and Elections have had under consideration the returns from the several Senatorial Districts, and report the following gentlemen elected, to wit :

From the first Senatorial district, Thomas James; from the second, James C. Weller; from the third, Samuel B. Jesup; from the fourth, James V. Walker; from the fifth, Archibald Dixon; from the sixth, Richard S. Ford; from the seventh, James Murrell; from the eighth, Alfred Anderson; from the ninth, John S. Barlow; from the tenth, William Bradshaw; from the eleventh, Achilles Jasper; from the twelfth, William Sterett; from the thirteenth, James G. Pitts; from the fourteenth, George Roberts; from the fifteenth, James Guthrie; from the sixteenth, James N. Hughes; from the seventeenth, George W. Johnston; from the eighteenth, G. Clayton Slaughter; from the nineteenth, James Schooling; from the twentieth, John A. Tomlinson; from the twenty first, Isaac Burnett; from the twenty

second, Michael Davidson; from the twenty third, Charles J. Walker; from the twenty fourth, Franklin Ballinger; from the twenty fifth, John Wallace; from the twenty sixth, William De Courcy; from the twenty seventh, John S. Morgan; from the twenty eighth, Cyrus Wingate; from the twenty ninth, John Pratt; from the thirtieth, Mark E. Huston; from the thirty first, Robert Wickliffe; from the thirty second, William Clarke; from the thirty third, Aquilla Young; from the thirty fourth, James M. Rice; from the thirty fifth, Daniel Morgan; from the thirty sixth, Thomas Y. Payne; from the thirty seventh, Mason Williams; from the thirty eight, Samuel Hanson.

Your committee find the term of service of Thomas James, Archibald Dixon, James Murrell, Alfred Anderson, William Bradshaw, Archilles Jasper, George Roberts, Michael Davidson, Cyrus Wingate, and Aquilla Young, will expire in the year 1840.

Franklin Ballinger, John S. Barlow, William De Courcy, Richard S. Ford, James Schooling, James C. Weller, John A. Tomlinson, Mark E. Huston, and Robert Wickliffe, in the year 1841.

James V. Walker, James G. Pitts, George W. Johnston, Isaac Burnett, Charles J. Walker, John Wallace, John S. Morgan, John Pratt, William Clarke, and James M. Rice, in the year 1842.

Samuel B. Jesup, William Sterett, James Guthrie, James N. Hughes, G. Clayton Slaughter, Daniel Morgan, Thomas Y. Payne, Mason Williams, and Samuel Hanson, in the year 1843.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act legalizing the proceedings of the Court of Assessment of the 16th Regiment of Kentucky Militia, and for other purposes, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Jesup, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of John H. Slaughter, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Anderson, a message was sent to the House of Representatives, requesting leave to withdraw the report of the passage of a bill from that House, entitled, an act for the benefit of N. S. Robertson, and for other purposes. The said bill being returned to the Senate, on the motion of Mr. Anderson, the vote by which it was passed was reconsidered, and by unanimous consent the said bill was further amended.

Resolved, That the said bill, as amended, do pass, and that the title be amended to read, an act for the benefit of Nancy Robertson.

Leave was given to bring in the following bills, viz :

On the motion of Mr. Anderson—1. A bill to amend the charter of the turnpike road from Sanders', in Green county, to Bells' in Barren county.

On the Motion of Mr. De Courcy—2. A bill to establish a Commissioner's Court.

On the motion of Mr. Guthrie—3. A bill as to the residence of militia Officers.

The committee of Internal Improvement was directed to prepare and in the 1st; the committee on Military Affairs the 3d; and Messrs. De Courcy, Payne and Dixon, were appointed a committee to prepare and bring in the 2d.

Mr. Slaughter moved the following resolution, viz :

Resolved, That the Board of Internal Improvement report to the Senate, 1st. What amount of work has been done on the turnpike road from Bardstown to Glasgow, and what amount from Glasgow towards the Tennessee line, and whether the turnpike has been finished from Nashville through Gallatin to meet said road?

2d. What amount has been paid by individual stockholders, and what amount by the State, towards the road from Bardstown to Glasgow, and from Glasgow to the Tennessee line, and what amount is due to contractors for work done on said road?

3d. What amount it will require to complete said road from Bardstown to Glasgow, and what amount from Glasgow to the Tennessee line?

4th. What amount it will require to complete said road from Bardstown to the Tennessee line without stoning the whole road, and what part is now stoned, and what part not stoned?

5th. What part of the road not now stoned can be safely used as a dirt turnpike without stoning, and whether there are any contracts for stoning any part of the road that might be dispensed with for the present?

6th. What information they possess as to the practicability of contracting to finish said road, and make payment in State bonds having thirty years to mature?

7th. How many bridges are there on said road, and what have they cost, and how much will it require to finish them, and how many of said bridges are toll bridges?

The rule of the Senate being dispensed with, the said resolution was twice read and adopted.

On the motion of Mr. Johnston,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of so modifying the seventh section of the act of 1748, entitled, "an act for the better securing the payment of rents, and preventing the fraudulent practices of tenants," as to make attachments for rent returnable to the Circuit Courts, instead of to the County Courts, as enacted by said section.

A message, in writing, received from the Lieutenant and Acting Governor on the 17th instant, was taken up and read as follows, viz :

EXECUTIVE OFFICE, }
January 16th, 1840. }

Gentlemen of the Senate :

I nominate for your advice and consent, Augustin C. Respass, to be Mayor of the city of Maysville, he having received a majority of all the votes given.

C. A. WICKLIFFE.

Resolved, That the Senate advise and consent to the said appointment.

The message, in writing, received from the Lieutenant and Acting Governor on the 3d instant, was taken up and read as follows, viz :

EXECUTIVE OFFICE, }
January 3d, 1840. }

Gentlemen of the Senate,

and of the House of Representatives :

In obedience to the resolutions of the last Legislature, approved 23d February, 1839, I addressed a letter, inclosing a copy of the resolutions to each of the Governors of the several States ; and I also sent similar communications to other individuals, from whom I supposed information upon the culture of silk, such as indicated by the resolutions, could be obtained. I beg leave now to communicate to you such answers as I have received to the letters sent. Accompanying this communication, is a pamphlet containing a treatise on the rearing of silk worms, by Mr. M. De Hazzi of Munich, with plates, &c., sent me by the Secretary of the Treasury of the United States, in answer to my letter to him on the subject.

I am, with respect,

Your fellow citizen,

C. A. WICKLIFFE.

Ordered, That the said message be referred to the committee on Agriculture.

The Senate resumed the consideration of a bill further to amend the laws against usury.

Mr. J. S. Morgan moved to lay the said bill and amendment on the table until the first day of June next.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Barlow and Weller, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Bradshaw,
Burnett,
Clarke,

De Courcy,
James,
Jesup,
Morgan, J. S.

Pitts,
Wallace,
Walker, J. V.
Weller—12.

Those who voted in the negative were—

Messrs. Anderson,
Ballinger,

Barlow,
Davidson,

Dixon,
Ford,

Guthrie,
Hughes,
Huston,
Jasper,
Johnston,
Morgan, D.

Murrell,
Payne,
Pratt,
Rice,
Roberts,

Schooling,
Slaughter,
Sterett,
Williams,
Wingate—22.

And then the Senate adjourned.

TUESDAY, JANUARY 21, 1840.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, to wit:

An act allowing three additional County Courts to the county of Garrard.

An act to establish an election precinct in Clay county.

An act to incorporate Pleasant Hill Meeting and School House, in Warren county.

An act to establish Marshall College.

An act to establish the county of Kenton, and for other purposes.

That they had passed bills from the Senate of the following titles, viz:

An act to amend the law in relation to Garnishee by increasing the jurisdiction of Magistrates in such cases.

An act for the benefit of the Trustees of the town of Frankfort.

An act for the benefit of the infant children of William Hopkins, deceased.

An act authorizing the present Clerk of the Hickman County Court to record certain deeds.

An act to regulate the militia of the counties of Marion and Washington.

An act for the benefit of William Osburn and Thomas May.

With amendments to the last named bill.

And that they had passed bills of the following titles, viz:

An act for the benefit of the Lunatic Asylum at Lexington.

An act declaring Wolf river a navigable stream.

An act for the benefit of Maston Gore.

An act for the benefit of James Hopwood, and others.

An act for the benefit of the Frankfort Light Infantry.

An act for the benefit of the Volunteer Company, styled the Lancaster Guards, in Garrard county.

An act to allow an additional Justice of the Peace in Pendleton county.

An act allowing one additional Constable to the county of Jefferson, and for other purposes.

An act to amend the laws in relation to the town of Lawrenceburg, in Anderson county.

An act allowing an additional Justice of the Peace to Carter county, and for other purposes.

An act to open a road from Waggener's Factory, in Hart county, to Elizabethtown, in Hardin county.

An act to change the place of voting at an election precinct in Livingston county.

1. Mr. Weller presented the petition of sundry citizens, praying for a change in the county lines of Perry, Clay and Breathitt.

2. Mr. James presented the petition of the Chirman and Board of Trustees of the Paducah Seminary, praying that the fines and forfeitures in the town of Paducah may be given to said Seminary, and for authority to sell their Seminary lands.

Which petitions were received, and the 1st was referred to the committee of Propositions and Grievances, and the 2d to the committee on Education.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act for the relief of the securities of John L. L. Moore, late Clerk of Simpson county.

An act to allow an additional Constable to the county of Nicholas.

An act to allow an additional Justice of the Peace to the county of Hickman.

An act to allow one additional Constable in Lawrence county.

Ordered, That the said bills be read a third time.

The constitutional rule as to the thrid reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act giving Justices of the Peace jurisdiction in actions of trespass, and tresspass on the case, where the damages laid are five pounds or under, reported the same with amendments—which were concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Guthrie, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of William Dunaway.

An act for the benefit of William B. Graves, of Cynthiana.

An act for the benefit of John F. Gooch.

Reported the same with the opinion of the committee that they ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative, and so they were disagreed to.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the heirs of Samuel Craig, deceased, reported the same with the opinion of the committee that it ought not to pass. The said bill was amended, and ordered to be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill to amend the charter of the city of Louisville, reported the same with amendments, which were concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title be amended by adding thereto, and for other purposes.

Mr. Barlow, from the joint committee of Enrollments, reported that the committee had examined sundry enrolled bills which originated in the House of Representatives, of the following titles, and had found the same truly enrolled, viz:

An act to amend and reduce into one the several acts regulating the town of Henderson.

An act to incorporate the town of West Liberty.

An act further to regulate the duties of the Trustees of the town of Bowlinggreen.

An act to establish the town of Walton, and for other purposes.

An act for the benefit of Thomas P. Moore.

An act for the benefit of Robert McCalla.

An act for the benefit of David Owen.

An act giving the several Sheriffs of this Commonwealth further time to return their delinquent lists.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Mr. Rice, from the committee of Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Thomas Cunningham.

An act for the benefit of John L. Graves, reported the same with the opinion of the committee that they ought not to pass.

The question being taken on reading the first bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Ordered, That the second bill be read a third time.

Mr. Wingate, from the committee of Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Joseph Shropshire, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Jesup, and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Ford,	Rice,
Messrs. Anderson,	Hughes,	Roberts,
Barlow,	Huston,	Schooling,
Bradshaw,	Jasper,	Slaughter,
Burnett,	Morgan, J. S.	Wallace,
De Courcy,	Payne,	Williams—20.
Dixon,	Pratt,	

Those who voted in the negative were—

Messrs. Ballinger,	Johnston,	Sterett,
Clarke,	Morgan D.	Walker, J. V.
Davidson,	Murrell,	Weller,
Guthrie,	Pitts,	Wingate—13.
Jesup,		

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Patrick Doyle, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Johnston, from the committee of Finance, to whom was referred a bill for the benefit of Alexander R. McKee, reported the same. The said bill was amended to read as follows, viz:

WHEREAS, it is represented to the present General Assembly, that before the general distribution of the acts of the Legislature, passed in the year 1837-'8, that Alexander R. McKee, Clerk of the Garrard County Court, issued a Pedler's license for the sum of twenty dollars, instead of the sum of fifty dollars, and actually received the said twenty dollars, and no more:

and, whereas, it further appears that said McKee, as aforesaid, has settled with the Auditor of Public Accounts, and obtained his quietas—wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said McKee be, and is hereby, exonerated from the payment of the sum of thirty dollars, the difference between the price of said license and the amount received and paid into the Treasury by him as aforesaid.

That the provisions of this act shall apply, in every particular, to Rice Maxey, Clerk of the Clinton County Court; to William Simpson, Clerk of the Wayne County Court, and to James E. Stone, Clerk of the Hancock County Court, and to John McFarlan, Clerk of Daviess county.

The question being taken on engrossing the said bill and reading it a third time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Pitts and Barlow, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Dixon,	Roberts,
Messrs. Barlow,	Huston,	Sterett,
Clarke,	Jasper,	Williams—11.
Davidson,	Murrell,	

Those who voted in the negative were—

Messrs. Anderson,	James,	Pratt,
Ballinger,	Jesup,	Rice,
Bradshaw,	Johnston,	Schooling,
Burnett,	Morgan, D.	Wallace,
De Courcy,	Morgan, J. S.	Walker, J. V.
Ford,	Payne,	Weller,
Guthrie,	Pitts,	Wingate—22.
Hughes,		

Mr. Johnston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Asa Valandingham, late Sheriff of Grant county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The following bills were reported by Mr. Guthrie, from the committee on the Judiciary, viz:

1. A bill to amend the seventh section of an act, entitled, an act for the better securing the payment of rents, and preventing the fraudulent practices of tenants.

2. A bill to continue in force an act, entitled, an act to establish the Police Court of Louisville, and to amend the charter of said city.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the first bill being dispensed with,

Ordered, That the said bill be engrossed and read a third time,

The constitutional rule as to the second and third readings of the second bills being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Payne, a message was sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate, to a bill from that House, entitled, an act allowing an additional Justice of the Peace to Rockcastle county. After a short time the said bill was returned to the Senate; on the motion of Mr. Payne, the vote by which it was disagreed to was reconsidered, and it was recommitted to the committee on the Judiciary.

A message, in writing, was received from the Lieutenant and Acting Governor, by Mr. Coleman, assistant Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz :

EXECUTIVE OFFICE, }
January 21, 1840. }

Gentlemen of the Senate,

and of the House of Representatives:

I herewith transmit the annual report of the Commissioners of the Sinking Fund.

C. A. WICKLIFFE, *Chairman.*

Gentlemen of the Senate, and of the

House of Representatives:

The law organizing the Board of Commissioners for the management of the Sinking Fund, and prescribing their duties, require that they shall "make an annual report to the Legislature, of the condition of the fund, and of the transactions of the Commissioners, for the preceding year, with such suggestions for the improvement and management of the said fund, as they may deem advisable."

In discharge of that duty, the commissioners beg leave to submit the following report:

The resources provided by law, for the supply and increase of the Sinking Fund, are as follows:

The annual bonus on the capital stock of the Bank of Kentucky, Northern Bank of Kentucky, and the Bank of Louisville.

Dividends on 7,000 Shares of Bank Stock, owned by the State in the fifth million of the Capital Stock of the Bank of Kentucky.

Excess of dividends on State Stock in the Bank of Kentucky, and the Northern Bank of Kentucky, after paying the interest on State Bonds, held by said banks.

Premiums on sale of State Scrip.

Dividends on State Stock, in Turnpike roads and bridges.

Tolls upon Slackwater navigation, and rents of water power.

Profits of the Commonwealth's Bank.

Proceeds of State Stock in Old Bank of Kentucky.

Profits of the State, from the Penitentiary.

Excess in the Treasury over \$10,000 of the current year.

The paper No. 1, will exhibit the amount received from each of those sources, since the last annual report, up to 13th December, 1839, the aggregate of which is \$256,608 16.

The other resources of the Sinking Fund, consist in Bank Stock, purchased by the commissioners, since the organization of the Board, in the several banks of Kentucky, to wit:

In the Northern Bank of Kentucky,	-	-	-	400	shares,
In the Bank of Louisville,	-	-	-	175	shares,
In the Bank of Kentucky,	-	-	-	2,658 $\frac{5}{100}$	shares,

Two hundred and fifty nine shares and a fraction, are held in the name of the State, and subscribed as part of the 5th million in the Bank of Kentucky, were subscribed and paid for by the Sinking Fund.

The paper No. 2, contains a list of the Bank stock purchased, of whom purchased, and the average price per share, paid.

It will be perceived that, from two of the sources from which it was contemplated to supply the wants of the Sinking Fund, nothing has as yet been received, nor is it reasonable to suppose that any thing will be derived from them, during the present year.

These are the surplus which may be in the Treasury, over 10,000 dollars at the end of the fiscal year; and the net proceeds of the Penitentiary. There was no surplus, and will be none in the Treasury, until the income of the State shall be increased, or the expenditures reduced.

By the law of the last session of the Legislature, the Keeper of the Penitentiary was directed to build 250 new cells, under the supervision of the Commissioners of the Sinking Fund, which are now in a state of progress, and the net proceeds of the State, arising from the institution, were diverted from the Sinking Fund to the erection of those cells—consequently, we cannot hope to derive any thing from this source, for some time to come.

Although the resources of the Sinking Fund have not been as great as a sound public policy would dictate, it will be gratifying to know, that whilst the fund under the management of the Board has paid punctually the interest of the State debt at home and abroad, it has accumulated a fund in bank stock, valued at par, equal to \$323,356 40, besides \$20,000 of Internal Improvement bonds; total assets, \$343,356 40, provided no loss shall be sustained upon that portion of its assets constituted of stock in the Bank of Kentucky, in consequence of the recent fraud committed by the stock agent of the Bank, in Philadelphia.

It is probable that in the purchases made by the Treasurer and Secretary of the Board, Mr. Bullock, during the years 1837, 1838 and 1839, that a portion may have been of the spurious stock issued by the agent.

In order to have this subject investigated, and the interest of the Sinking Fund protected, the Commissioners, at a called meeting on the 1st of January, passed an order, a copy of which, No. 3, is herewith sent.

The agent has not yet left for Philadelphia, because of the fact that the Legislature has not determined upon the propriety of sending such agent on their part, as was contemplated by the Board, in their resolution. The moment it is ascertained that such agent is not deemed necessary, one on behalf of the Board will be sent to Philadelphia.

The amount of money received by the Board, during the fiscal year, commencing December 1838, and ending the 13th December 1839, is as follows:

Cash on hand at the date of the last report, - - -	\$55,075 49
Cash received for premium, interest and exchange, - - -	15,049 15
From the Bank of the Commonwealth, - - -	27,080 00
From the tolls on the Maysville, Washington, Paris and Lexington Turnpike road, - - -	2,798 25
From Muldrows' Hill Turnpike, - - -	800 57
From Springfield and Bardstown Turnpike road, - - -	550 00
From Franklin county Turnpike road, - - -	1,600 00
From Frankfort and Georgetown Turnpike road, - - -	462 00
From Lincoln county Turnpike road, - - -	779 55
From Franklin and Crab Orchard Turnpike road, - - -	286 00
From Louisville and Elizabethtown Turnpike road, - - -	300 00
Amount received from Old Bank of Kentucky, - - -	5,967 00
Amount received, tax, or bonus, on stock of the Bank of Kentucky, - - -	23,491 52
Amount received from the Northern Bank of Kentucky, - - -	14,903 62
Amount received from the Bank of Louisville, - - -	5,750 00
Amount received from the Bank of Kentucky, being excess of dividends on the stock owned by the State, after paying interest on the bonds of the State, held by said Bank, - - -	35,000 00
do do of the Northern Bank of Kentucky, do, - - -	42,500 00
do do Dividend on 7,000 shares, in the name of the State, - - -	59,500 00
do do on 2,236 shares, in the name of the Commissioners of the Sinking Fund, - - -	14,690 50
do do on 400 shares, do Northern Bank, - - -	3,700 00
do do on 175 shares, do Bank of Louisville, - - -	1,400 00
Amount received of the Board of Education, for so much advanced, - - -	301 61
Total, - - -	<u>\$311,985 26</u>

During the same time, the Board has expended the following sums, for the objects stated:

Paid to Prime, Ward & King, and their assignees, New York, for the interest due in January and July 1839, on \$100,000, for which they hold the Bonds of the State, bearing 5 per cent. interest, - - -	5,000 00
Paid to War Department, for interest on \$165,000, at 5 per cent., - - -	8,250 00
Paid to American Life Insurance and Trust Company, for interest on \$1,250,000, 6 per cent. Bonds, - - -	56,250 00
Paid to Bank of Kentucky, for interest on \$150,000, at 5 per cent., - - -	7,500 00
Paid to Northern Bank, for interest on \$100,000 at 5 per cent., - - -	5,000 00
Amount carried forward, - - -	<u>\$82,000 00</u>

Amount brought forward,	- - - - -	\$82,000 00
Paid to Board of Education, as interest upon \$850,000, being the Bonds held by them, as the School Fund, created by the act of 1836-7, bearing 5 per cent. interest,	- - - - -	63,750 00
Paid Bank of Kentucky, on loan made to Board of Internal Improvement by the said Bank, prior to 30th Dec. 1838,	- - - - -	6,750 00
Paid for interest to Bank of Kentucky on advance made to the Commissioners of the Sinking Fund of \$43,625, from 18th June to 1st July, 1839,	- - - - -	87 25
Paid, as premium of exchange at $1\frac{1}{2}$ per cent. on \$201,853 43 on New York,	- - - - -	3,027 79
Paid as premium on \$10,000, at 1 per cent,	- - - - -	100 00
Paid for contingent expenses of the Board,	- - - - -	1,373 18
Paid for 959 shares of bank stock Bank of Kentucky, at an average cost per share of \$88 $71\frac{5}{8}\frac{2}{3}\frac{5}{1}$,	- - - - -	85,078 95
Paid for 163 shares, at \$79 $49\frac{3}{8}\frac{1}{5}$ per share,	- - - - -	12,957 64
Exchange paid Board of Education on \$297 16, at $1\frac{1}{2}$ per cent—advanced by Board of Education, as before stated,	- - - - -	4 45
Total expenditures,	- - - - -	<u>\$255,129 26</u>

Which, when deducted from amount of receipts prior to 13th December, 1839, leave a balance of	- - - - -	<u>56,856 00</u>
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This sum of \$56,856, together with the other amounts received by the Board, which will more appropriately constitute the items of the next annual report, has been devoted to the payment of the January instalment, 1840, for interest due on bonds sold for internal improvements.

The amount of charge upon the Sinking Fund, for the year 1840, may be estimated as follows:

Interest on \$1,365,000 of 5 per cent, and \$1,315,500 of 6 per cent, internal improvement bonds,	- - - - -	145,537 50
Exchanges on amount of interest payable in New York, contingent expenses, &c. say,	- - - - -	8,071 50
Amounting to the sum of	- - - - -	<u>\$153,609 00</u>

Whilst the receipts of the Sinking Fund, for the same time, may be estimated as follows:

Bonus on bank stock,	- - - - -	44,145 14
Excess of dividends in the Northern Bank of Kentucky,	- - - - -	30,000 00
Dividends on 400 shares of stock in the Northern Bank of Kentucky,	- - - - -	3,200 00
Amount carried forward,	- - - - -	<u>\$77,345 14</u>

Amount brought forward,	- - - - -	\$77,345 14
Dividends on 175 shares stock in Bank of Louisville,	- - - - -	1,050 00
Dividends on State stock in turnpike roads and bridges, say	- - - - -	10,000 00
Dividends on slackwater navigation and water power, say	- - - - -	1,000 00
Interest on loan to the Keeper of the Penitentiary,	- - - - -	1,500 00
Profits from Commonwealth's Bank, say	- - - - -	20,000 00
Profits from Old Bank of Kentucky,	- - - - -	5,967 00
		<hr/>
		\$116,862 14
Cash on hand 13th December, 1839,	- - - - -	56,856 00
		<hr/>
		\$173,718 14

This amount of income, it will be perceived, does not include the dividends due from the Bank of Kentucky in January and July, 1840, on the shares held by the State and the Commissioners of the Sinking Fund; nor the excess of dividends on one million of stock originally subscribed by the State, which, according to the value of former dividends, will amount in the aggregate to \$105,192.

It is, however, worthy of remark that, owing to the present difficulties growing out of the fraudulent conduct of the stock agent at Philadelphia of that Bank, no portion of this sum will be received the present year; hence, the great necessity of providing by legislation in time to meet this contingency.

The Commissioners would respectfully suggest to the Legislature, the propriety of providing by law a permanent annual increase of the Sinking Fund, so that they may be enabled to devote a portion of it annually to the reduction of the principal debt.

Your predecessors, by the organization of the Board, and the creation of the Sinking Fund, looked beyond the mere liquidation of the annual interest upon money borrowed. They contemplated that this Board, with adequate funds placed under their control, by a judicious application and investment of them, would liquidate the principal of the debt, without inflicting upon the community sudden and severe pressure by taxation, or otherwise. Carry out the intentions of former Legislatures upon the subject, and the redemption of the public debt will be effected by the agency of the Sinking Fund, certainly, and almost imperceptibly. Should, however, the Legislature postpone this duty much longer, obstacles may be presented, which it would be difficult to overcome, without sudden and heavy exactions upon the community.

In any future loans which may be authorized by the State, we would respectfully suggest, that such portion of the principal, when invested every six months, as will be sufficient to create a fund equal to the liquidation of the amount borrowed when due, shall be paid over to the Commissioners of the Sinking Fund.

The laws creating this Board need revision and amendment. A power to deal in exchange, properly restricted and guarded, seems to be called for at this time, in consequence of the difficulties experienced in transmitting the funds received in Kentucky to New York, where the interest upon our public debt is payable every six months.

The duty of settling the accounts of Joel Scott, former Keeper of the

Penitentiary, and also the accounts of Thomas S. Theobald, the present Keeper, was devolved upon the Commissioners of the Sinking Fund by legislative enactment. We have been unable to close, satisfactorily to both parties, the books of Mr. Scott, and have directed a suit to be instituted against him, which is pending in the circuit court of Franklin. The Commissioners have had difficulty in procuring competent accountants to adjust and balance the books of Mr. Theobald. A short time before the commencement of the session of the Legislature, they employed a Mr. Anderson, who, in conjunction with Mr. James Coleman, have been engaged in an examination of the books and accounts, but as yet has been unable to report to the Commissioners the result of his labours.

As it is probable the duties of the present Secretary and Treasurer of the Board of Commissioners will cease, and be transferred to other hands before the next annual session of the Legislature, we would suggest the propriety, and do it in accordance with his wishes, that a Committee of your body be specially charged with an examination of his books and vouchers now on file, and report upon the same.

Respectfully.

C. A. WICKLIFFE, *Chairman.*

W. H. POPE,

President Bank of Kentucky.

JNO. S. SNEED,

President Louisville Bank.

JNO. TILFORD,

President Northern Bank Ky.

JANUARY 21, 1840.

No. 1.

The following amounts have been received from the following sources during the fiscal year of the Sinking Fund, commencing, 13th December, 1838, and ending 13th December, 1839, to wit:

Received from turnpike roads, tolls,	-	-	-	\$7,576 37
Received from banks, dividends and bonus,	-	-	-	223,982 64
Received from premium, interest and exchange,	-	-	-	15,049 15
Total,	-	-	-	<u>256,608 16</u>

No. 2.

Statement of the Bank Stock purchased by the Commissioners of the Sinking Fund since their organization.

1837

January 27, 250 shares of the Bank of Kentucky, at \$93 50 per share, bought in Philadelphia,	-	-	-	23,375 00
January 27, 200 shares of Northern Bank, at \$68 50 for \$70 paid in, bought in Philadelphia,	-	-	-	13,700 00
Amount carried forward,	-	-	-	<u>\$37,075 00</u>

Amount brought forward,	\$37,075 00
January 27, Paid up in full on each share,	6,000 00
April 11, 125 shares of the Bank of Louisville, at par, in Kentucky,	12,500 00
April 13, 50 shares of the Bank of Louisville, at par, in Kentucky,	5,000 00
Brokerage $\frac{1}{4}$ of 1 per cent. on \$37,075,	92 69
Exchange of 1 per cent. on \$43,167 69,	431 67
	<u>\$61,099 36</u>

1838

April 19, 100 shares of Bank Kentucky, at \$81 per share, bought in Philadelphia,	8,100 00
May 25, 120 shares of Bank Kentucky, at \$93 per share, bought in Philadelphia,	11,160 00
May 26, 44 shares of Bank Kentucky, at \$93 per share, bought in Philadelphia,	4,092 00
May 26, 60 shares of Bank Kentucky, at \$93 50 per share, bought in Philadelphia,	5,610 00
May 29, 50 shares of Bank Kentucky, at \$93 50 per share, bought in Philadelphia,	4,675 00
May 29, 137 shares of Bank Kentucky, at \$93 50 per share, bought in Philadelphia,	12,809 50
Interest on \$4,675, for 3 days,	2 34
Brokerage of $\frac{1}{4}$ of 1 per cent on \$46,446,	116 12
Exchange of 2 per cent. on \$13,900,	\$278 00
Exchange of 3 per cent. on \$2,263 35,	67 90
Exchange of 3 per cent. on \$15,000,	450 00
Exchange of 3 per cent. on \$7,212 62,	216 38
Exchange of 5 per cent. on \$8,086 15,	404 30
Deficit in transfer,	20 00
	<u>1,436 58</u>
	<u>48,001 54</u>

July 13, 75 shares of Bank Kentucky, at \$90 per share, bought in New York,	6,750 00
September 17, 50 shares of Northern Bank Kentucky, at \$84 for \$85 paid, in Kentucky,	4,200 00
Paid up in full, on each share, 15 dollars,	750 00
Interest on 750 dollars, back to 1st July,	9 37
Brokerage on 6,750 dollars, $\frac{1}{4}$ of 1 per cent.	16 87
	<u>11,726 24</u>

October 6, 259 $\frac{6}{10}$ shares vested in 5th million, (under act of the Legislature,) of the Bank of Kentucky, at par,	<u>25,956 40</u>
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October 22, 150 shares of Northern Bank Kentucky, at \$80 50 for \$85 paid in, bought in Philadelphia, - - -	\$12,075 00
Paid up in full on each share, 15 dollars, - - -	2,250 00
Interest on \$2,250, from 1st July to 8th November, - - -	48 00
October 24, 150 shares Bank Kentucky, at \$87 per share, bought in Philadelphia, - - -	13,050 00
October 30, 50 shares Bank Kentucky, at \$88 per share, bought in Philadelphia, - - -	4,400 00
October 30, 200 shares Bank Kentucky, at \$88 50 per share, bought in Philadelphia, - - -	17,700 00
November 10, 33 shares Bank Kentucky, at \$88 75 per share, bought in Philadelphia, - - -	2,928 75
November 26, 8 shares Bank Kentucky, at 87 dollars per share, bought in Philadelphia, - - -	696 00
Brokerage on \$50,849 75, $\frac{1}{4}$ of 1 per cent. - - -	127 13
Exchange of $1\frac{1}{2}$ per cent. on 45,298 dollars, - - -	679 47
	<hr/>
	\$53,954 35

1839

April, May, June, July and August—959 shares Bank Kentucky, at $88\frac{5}{8}\frac{2}{3}\frac{5}{1}$ per share, and 163 shares Bank Kentucky, at $79\frac{4}{5}\frac{2}{5}$ per share, including interest and brokerage, - - - - -	\$98,041 04
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The Commissioners, also, subscribed for $259\frac{5}{8}\frac{6}{10}\frac{4}{0}$ shares in the fifth million of the capital stock of the Bank of Kentucky, at par. They have, also, invested 20,000 dollars in five per cent. Internal Improvement bonds of Kentucky, at par, on the 10th day of December, 1837.

They therefore now hold in the Bank of Kentucky $2,658\frac{5}{8}\frac{6}{10}\frac{4}{0}$ shares, exclusive of the stock in the fifth million paid for by the excess of dividends and surplus revenue; in the Northern Bank of Kentucky, 400 shares; and in the Bank of Louisville, 175 shares; and Internal Improvement 5 per cent bonds, 20,000 dollars. The total investments of the Board, since their organization, calculating the stocks at par value, amounts to \$343,356 40.

A list of the names of those persons from whom the Commissioners of the Sinking Fund have bought stock in the Bank of Louisville, Northern Bank of Kentucky, and Bank of Kentucky, so far as is known at this time to the Board:

1837

Stock in the Bank of Louisville.

Purchased of Robert J. Ward, of Louisville - - -	125 shares
Do of John S. Snead, of do, - - -	50 do
	<hr/>
	175 do

Stock in the Northern Bank of Kentucky.

1837

Purchased of Thomas Fleming, of Philadelphia, - - -	100 do
Do of John A. Brown, & Co., of do, - - -	100 do

1838					
Purchased	of N. B. Buford of Kentucky,	-	-	50	shares
Do	of Thomas Fleming, Executor of Geo. Ralston,	-	-	150	do
				<hr/>	
				400	do

Stock in the Bank of Kentucky.

1838					
Purchased	of Nevius and Robinson, of Philadelphia,	-	-	183	do
Do	of H. R. Davis, of do,	-	-	258	do

1839					
Purchased	of H. R. Davis, of do,	-	-	255	do
Do	of J. C. Harris, of do,	-	-	3	do
Do	of G. H. Thomson, & Co., do,	-	-	3	do
Do	of C. Macalister, of do,	-	-	49	do
Do	of James F. Howe, of do,	-	-	49	do
Do	of Nevius and Robinson, of do,	-	-	100	do
Do	of C. Hickling, of do,	-	-	41	do
Do	of Nevius, Townsend, & Co., of New York,	-	-	208	do
Do	of Cainmann and Whitehouse, of do,	-	-	50	do
Do	of W. Borrowe, of do,	-	-	100	do
Do	of J. Warren, of do,	-	-	25	do
Do	of A. & H. Dorr, & Co., of do,	-	-	50	do
Do	of J. McJimsey, of do,	-	-	25	do
Do	of Dykers and Alstyne, of do,	-	-	138	do
Do	of Jos. Knapp, of do,	-	-	75	do
Do	of D. Clarkson, of do,	-	-	100	do
Do	of Prime, Ward and King, of do,	-	-	50	do
Do	of F. D. Robinson, of do,	-	-	65	do
Do	of Brown & Co., of do,	-	-	25	do
Do	of R. & H. Stebbins, of do,	-	-	175	do
Do	of Christmas Livingston & Co., of do,	-	-	60	do
Do	of W. Cairnes, Jr., of do,	-	-	66	do
Do	of J. Little, & Co., of do,	-	-	25	do
Do	of Ovington and Robinson, of do,	-	-	25	do
Do	of Cochran and Hamilton, of do,	-	-	25	do
Do	of Weeks & Co., of do,	-	-	30	do
Do	of Synde and Parker, of do,	-	-	40	do

The names of all the persons from whom stock were purchased in the Bank of Louisville, and Northern Bank of Kentucky, are given above. The names of a portion of those from whom Kentucky Bank stock was purchased, are not given, but letters have been addressed to the agencies of the Banks in New York and Philadelphia, desiring the names to be furnished, the list of the stock purchased in 1839, including that purchased from the Board of Education.

No. 3.

Extract from the Minutes of the Commissioners of the Sinking Fund, of the called meeting, held on the 1st January, 1840.

On motion, the following Preamble and Resolution were unanimously adopted:

The recent developements of the fraud committed by the Agent of the Bank of Kentucky, at Philadelphia, by the issue of spurious shares of Bank Stock, has in the opinion of the Board, made it necessary for this Board to take steps to investigate the purchases of the stock of said bank, heretofore made by the Board for the Sinking Fund and Board of Education—Therefore,

Resolved, That it is expedient to send on a special messenger, as the Agent of this Board, to Philadelphia, under the instructions of the Chairman, or if the State shall appoint a special Agent, the Chairman may constitute him the Agent of this Board to superintend its interest, as to him shall be thought most advisable. But should the State determine not to send an Agent, then the Board instruct the Chairman to send one, forthwith, and to pay the expenses out of the funds on hand.

Ordered, That the said report be referred to the committee on the Sinking Fund, and that the Puplic Printer print 150 copies thereof for the use of the General Assembly.

The Senate resumed the consideration of a bill further to amend the law against usury. The said bill is as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the lawful rate of interest shall be as heretofore, six dollars per annum for the loan and forbearance of each one hundred dollars, and at that rate for a greater or less sum, or for a longer or shorter time; and all notes, bonds, contracts, covenants, agreements, judgments, conveyances, or assurances, hereafter to be made for payment of any money, or goods, so to be lent or foborne, on which a higher rate of interest is reserved, agreed for, or taken, shall be null and void: *Provided*, That it shall be lawful for the parties to any contract for the loan or forbearance of money, wares, merchandize, or other commodity, by stipulation in the writing evidencing the loan or debt, to contract for interest at the rate of ten dollars per annum for the loan or forbearance of each one hundred dollars, and at that rate for a greater or less sum, and for a longer or shorter time, and such conventional interest, so stipulated and agreed for, shall be recoverable in the same way that six per cent. interest is recoverable in ordinary contracts.

SEC. 2. That it shall be lawful for any person or persons having a judgment and execution returned, no property, or having paid money as the surety of another, or having a right to go into equity against the effects of another, to file a bill in chancery against such person, and against any one to whom he may have paid usurious interest, which shall be applied to the complainant's demand.

The amendment, offered by Mr. Clarke, proposes to strike out the first section and to insert in lieu thereof the following, viz:

That the lawful rate of interest shall be as now provided by law: *Provided*, That it shall be lawful for the parties to any contract for the loan or forbearance of money, goods, wares, merchandize, or other commodities, by stipulation in the writing, evidencing the loan or debt, to contract for interest at the rate of ten dollars per annum for the loan or forbearance of each one hundred dollars, and at that rate for a greater or less sum, and for a longer or shorter time; and such conventional interest, so stipulated and

agreed for, shall be recoverable in the same way that six per cent. interest is now recoverable in ordinary contracts; and all notes, bonds, contracts, covenants, agreements, judgments, conveyances, or assurances, hereafter to be made, for the payment or delivery of any money, wares, goods, merchandize, or other commodities, so to be lent or forborne, on which a higher rate of interest is received or taken than the said stipulated interest of ten per cent. per annum, shall be utterly void, so far as relates to *usurious* interest; but the amount so loaned or forborne, *with the stipulated interest of ten per cent. thereon*, he, she, or they, shall be entitled to recover: [*Provided nevertheless*, If the lender or lenders shall refuse to receive the principal, with the stipulated interest of ten per cent., on a tender thereof, previous to the institution of a suit for recovery, he, she, or they, so refusing, shall pay the costs of said suit; but in no case, either at common law or chancery, or in any other way, shall the lender or lenders be prevented from recovering the debt with the stipulated interest of ten per cent. thereon: and that nothing in this act contained shall be so construed as to effect any contracts heretofore made.]

Mr. Ballinger moved to amend the said amendment by striking out the word "*usurious*," printed in italics, and striking out the words "with the stipulated interest of ten per cent. thereon," also printed in italics, and by striking out the last proviso, included in brackets.

The question being taken on the adoption of the said amendments, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Payne and Murrell, were as follows:

Those who voted in the affirmative were—

Messrs. Anderson,	Ford,	Rice,
Ballinger,	Guthrie,	Slaughter,
Barlow,	Payne,	Wallace,
Burnett,	Pratt,	Wingate—13.
Davidson,		

Those who voted in the negative were—

Mr. Speaker,	James,	Roberts,
Messrs. Bradshaw,	Jasper,	Schooling,
Clarke,	Jesup,	Sterett,
De Courcy,	Johnston,	Walker, J. V.
Dixon,	Morgan, D.	Weller,
Hughes,	Morgan, J. S.	Williams—19.
Huston,		

The amendment offered by Mr. Clarke was amended by adding thereto the following provisos, viz:

Provided however, That this act shall not be so construed as to authorize or allow any Bank in this Commonwealth to charge, or receive, a greater interest than the charters provides for: *And, provided*, That when the contract is not for ten per cent., no more than six per cent. shall be recovered.

Mr. Guthrie moved to lay the said bill and amendment on the table until the first day of June next.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Jasper and Wallace, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Ford,	Pratt,
Messrs. Anderson,	Guthrie,	Rice,
Ballinger,	Hughes,	Roberts,
Barlow,	Huston,	Schooling,
Bradshaw,	James,	Slaughter,
Burnett,	Jesup,	Wallace,
Clarke,	Johnston,	Walker, J. V.
Davidson,	Morgan, D.	Weller,
De Courcy,	Morgan, J. S.	Wingate—29.
Dixon,	Payne,	

Those who voted in the negative were—

Messrs. Jasper,	Sterett,	William—3.
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The speaker laid before the Senate a letter from the Secretary of State, enclosing an additional statement from the Bank of Kentucky. The said letter and statement are as follows, viz:

EXECUTIVE OFFICE, }
January 21, 1840. }

SIR:

I have received the inclosed additional statement from the Bank of Kentucky, since I communicated the consolidated statement of said Bank. Please lay it before the Senate.

Respectfully,

J. M. BULLOCK,
Secretary of State.

HON. SAMUEL HANSON,
Speaker of the Senate.

BANK OF KENTUCKY, }
Louisville, Jan. 18, 1840. }

DEAR SIR:

I discover that in my consolidated statement, closing with the year, which I forwarded to you for the use of the Legislature, I omitted to furnish a classification of bills of exchange and notes discounted; also the rates and places upon which we purchase exchange. Be pleased to append to the statement the enclosed half sheet, which will complete the report.

Very respectfully,

GEO. C. GWATHMEY, *Cashier.*

J. M. BULLOCK Esq.,
Secretary of State.

Table of the classification of bills of exchange at the Bank of Kentucky, at Louisville, on the 31st December, 1839.

From 100 to 500	35	discountees.
From 500 to 1,000	32	do.
From 1,000 to 5,000	51	do.
From 5,000 to 10,000	15	do.
From 10,000 to 15,000	7	do.
From 15,000 to 20,000	2	do.
From 20,000 to 25,000	4	do.
From 25,000 to 30,000	1	do.
From 30,000 to 35,000	1	do.
From 35,000 to 40,000	1	do.
From 40,000 to 45,000	2—151	discountees of bills of exchange.

Table of the classification of bills discounted at the Bank of Kentucky, at Louisville, on the 31st December 1839.

From 100 to 500	196
From 500 to 1,000	107
From 1,000 to 5,000	186
From 5,000 to 10,000	38
From 10,000 to 15,000	18
From 15,000 to 20,000	2
From 20,000 to 25,000	1
From 25,000 to 30,000	0
From 30,000 to 35,000	2
From 35,000 to 40,000	2
From 40,000 to 45,000	0
From 45,000 to 50,000	0—552
From 50,000 and upwards.	0

discountees of notes.

Table showing the places on which bills of exchange have been purchased by Bank of Kentucky, at Louisville, during the month of December, 1839, with the rate of exchange.

Within the State to the 5th December, at $\frac{1}{2}$ per cent.
do. after the 5th December, at 1 per cent.
Shawneetown, Illinois, 1 per cent.
New Orleans, 2 per cent.
Evansville, Indiana, $\frac{1}{2}$ per cent.—after 5th December, 1 per cent.
Madison, Indiana, $\frac{1}{2}$ per cent.—after 5th December, 1 per cent.
Cincinnati, $\frac{1}{2}$ per cent.—after 5th December, 1 per cent.
Baltimore, New York and Philadelphia, par.
New Albany, to 5th December, $\frac{1}{2}$ per cent.—after the 5th Dec., 1 per cent.
Pittsburg and Wheeling, 1 per cent.
Terre Haute and Vincennes, 1 per cent.

On the 5th December the rate of exchange on New Orleans, was fixed as follows:

Bills at 30 days and under, $\frac{1}{2}$ per cent.
30 days and not exceeding, 60 days, 1 per cent.
60 days and not exceeding 90 days, $1\frac{1}{2}$ per cent.
90 to 120 days 2 per cent.

GEO. C. GWATHMEY, Cashier.

Ordered, That the said statement be referred to the committee on Banks. On the motion of Mr. De Courcy, leave was given to bring in a bill to amend an act concerning the town of Newport, approved January 12, 1830, and Messrs De Courcy, James and Davidson, were appointed a committee to prepare and bring in the same.

And then the Senate adjourned.

WEDNESDAY, JANUARY 22, 1840.

1. Mr. Davidson presented the petition of sundry citizens of Lincoln county, praying that the county of Lincoln may be added to the ninth Judicial District.

2. Mr. Ballinger presented the petition of sundry citizens of Pulaski county, praying that they may be added to Rockcastle county.

3. Mr. Jasper presented a petition counter thereto.

Which petitions were received and referred; the 1st to the committee on the Judiciary, and the 2d and 3d to the committee of Propositions and Grievances.

Mr. Clarke, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act for the benefit of the county of Jefferson, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz :

On the motion of Mr. Anderson—1. A bill to incorporate the Jefferson Literary Society of Augusta College.

On the motion of Mr. Ballinger—2. A bill for the benefit of Elhannan Murphy.

On the motion of Mr. Slaughter—3. A bill to authorize the completion of the turnpike road from Bardstown, through Glasgow and Scottsville, to the Tennessee line.

On the motion of Mr. De Courcy—4. A bill to amend an act approved 29th February, 1836, in relation to the town of Newport.

On the motion of Mr. Pratt—5. A bill to amend the militia law.

On the motion of Mr. Barlow—6. A bill for the benefit of William Butler, Clerk of the County Court of Monroe.

On the motion of Mr. Guthrie—7. A bill to amend the law in civil proceedings.

On the motion of Mr. Wingate—8. A bill to amend the law in relation to the granting licence to pedlars in this Commonwealth.

Messrs. Anderson, Payne and Murrell, were appointed a committee to prepare and bring in the 1st; Messrs. Slaughter, Guthrie and Murrell, the 3d; Messrs. De Courcy, Roberts and Burnett, the 4th; the committee on Military Affairs was directed to prepare and bring in the 2d and 5th; the committee of Finance the 6th; and the committee on the Judiciary the 7th and 8th.

The following bills were reported, viz:

By Mr. Clarke, from the committee on Education—1. A bill to incorporate the Buck Creek Seminary.

2. A bill to incorporate the Maysville Athenæum.

By Mr. Jesup, from the committee on Military Affairs—3. A bill to amend an act, entitled, an act to amend the militia law, approved February 9th, 1837.

By Mr. Anderson, from a select committee—4. A bill to incorporate the Jefferson Literary Society of Augusta College.

By Mr. Johnston, from the committee of Finance—5. A bill for the benefit of the Sheriff of Fleming county.

By Mr. De Courcy, from a select committee—6. A bill to amend an act in relation to the town of Newport, in Campbell county, approved February 29th, 1836.

Which bills were severally read the first time, and the 1st, 2d, 4th and 6th, were ordered to be read a second time.

The constitutional rule as to the second reading of the 3d, 4th and 6th bills being dispensed with, the 2d was ordered to be engrossed and read a third time, and the 4th and 6th were referred to the committee on the Judiciary.

The constitutional rule as to the second and third readings of the 1st and 5th bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The question being taken on reading the third bill a second time, it was decided in the negative, and so the said bill was rejected.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of the widow and children of Stephen H. Garton, deceased:

An act to amend the penal laws of this Commonwealth:

An act for the benefit of Mechanics in the towns of Bowlinggreen, Russellville and Owenboro:

Reported the same with amendments to each—which were concurred in.

Ordered, That the said bills be read a third time, as amended.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law regulating the emancipation of slaves, reported the same with an amendment—which was concurred in.

The question being taken on reading the said bill a third time, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Jasper and Guthrie, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Ford,	Payne,
Messrs. Anderson,	Guthrie,	Roberts,
Ballinger,	Hughes,	Schooling,
Barlow,	Jesup,	Sterett,
Burnett,	Johnston,	Wallace,
Clarke,	Morgan, D.	Walker, C. J.—20.
Dixon,	Morgan, J. S.	

Those who voted in the negative were—

Messrs. Bradshaw,	Jasper,	Walker, J. V.
Davidson,	Murrell,	Weller,
De Courcy,	Pratt,	Williams,
Huston,	Rice,	Wingate—14.
James,	Slaughter,	

Mr. Guthrie, from the same committee, to whom was referred a bill entitled, an act providing for the apprehension and detention of fugitives from justice from other States, and the amendments proposed by the House of Representatives thereto, reported the same with an amendment to the said amendments—which was concurred in, and the said amendments, as amended, were concurred in.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act allowing an additional Justice of the Peace to Rockcastle county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act authorizing a change of venue

in an action at law, depending in the Pulaski Circuit Court, wherein Rose, a woman of colour, is plaintiff, and James T. Curd is defendant, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That the said bill be read a third time.

Mr. Guthrie, from the same committee, to whom was referred the following bills, viz :

A bill to amend the 9th section of an act, entitled, an act for regulating the solemnization of marriages, approved February 3d, 1798.

A bill to amend the laws regulating civil proceedings, and for other purposes, reported the same with amendments to each—which were concurred in.

Ordered, That the said bills be engrossed and read a third time.

Mr. Rice, from the committee of Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William Woolfolk, of Oldham county, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Rice, from the same committee, to whom was referred the petition of Susanna Watts, reported the following resolution thereon, viz :

Resolved, That the said petition be rejected—which was concurred in.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, and act for the benefit of William Willburn, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Ballinger, from the same committee, to whom was referred, a bill to amend an act, entitled, an act to establish a State road from Shelbyville, by Floydsburg and Brownsboro', to Harmony Landing, on the Ohio river, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law relating to the Wilderness turnpike road, and adjacent roads leading from same to Goose creek Salt Works, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled an act for the benefit of James Sego, reported the same with amendments—which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Johnston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William Simmons, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Johnston moved that the committee of Finance be discharged from the further consideration of a resolution to enquire into the expediency of so arranging the publication of the acts of the Legislature, that one copy be furnished to each County Court Clerk; and that the general acts be alone furnished to all officers who are now entitled to the same.

Mr. J. S. Morgan moved that the committee be instructed to report a bill pursuant to the said resolution.

The question being taken on the motion of Mr. Morgan, it was decided in the negative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Jasper, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Morgan, J. S.	Sterett,
Burnett,	Rice,	Walker, C. J.—8.
Hughes,	Roberts,	

Those who voted in the negative were—

Mr. Speaker,	Huston,	Schooling,
Messrs. Anderson,	James,	Slaughter,
Barlow,	Jasper,	Wallace,
Bradshaw,	Jesup,	Walker, J. V.
Davidson,	Johnston,	Weller,
De Courcy,	Murrell,	Williams,
Ford,	Pratt,	Wingate—22.
Guthrie,		

The committee of Finance was discharged from the further consideration of the said resolution.

On the motion of Mr. Ballinger, the vote disagreeing to a bill from the House of Representatives, entitled, an act for the benefit of William B. Graves, of Cynthiana, was reconsidered, and the said bill recommitted to the committee on the Judiciary.

The Speaker laid before the Senate the following letter and report from the President of the Board of Internal Improvement, viz :

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT, }
Frankfort, January 22, 1840. }

SIR:

I have the honor to communicate to the Senate the enclosed report of the Resident Engineer in answer to the resolution of the 20th instant.

Very respectfully, &c. &c.

JAMES T. MOREHEAD,

President of the Board of Internal Improvement.

HON. SAMUEL HANSON,

Speaker of the Senate.

ENGINEER'S OFFICE, }
January 21, 1840. }

SIR:

The following report is made in answer to a resolution of the Senate of the 20th instant, calling for information on the turnpike road from Bardstown to Glasgow, and from Glasgow to the Tennessee State line.

1st. The amount of work done, on the road from Bardstown to Glasgow, is - - - - - \$341,600 40

The amount of work done from Glasgow to the Tennessee State line, - - - - - \$107,068 28

I understand the road from Nashville through Gallatin, to meet this road, is finished.

2d. The of stock paid by individuals, on the road from Bardstown to Glasgow, up to the 20th December last, is - - - - - \$92,602 00

By the State, - - - - - \$181,948 00

From Glasgow to the Tennessee line, \$28,400 by individuals; and by the State, \$437.

The amount of work done, and not paid for, on said road from Bardstown to the Tennessee State line, is - - - - - \$125,149 68

3d. The amount required to complete the road from Bardstown to Glasgow, is	-	-	-	-	-	-	\$224,201	47
Of this sum there is work, not under contract, estimated to cost,	-	-	-	-	-	-	36,556	80

Leaving a balance to complete the work under contract, \$187,644 67

The amount required to complete the road from Glasgow to the Tennessee line, is as follows:

For work under contract,	-	-	-	-	-	-	\$70,202	86
Work not under contract,	-	-	-	-	-	-	92,000	00

Total amount required, - - - - - \$162,202 86

4th. The amount required to complete the road from Bardstown to the Tennessee line without stoning the whole road, is \$258,847 53.

The distance from Bardstown to Glasgow is 68.8 miles. Of this distance 34.14 miles are paved and covered with broken stone, and all complete, except the rolling of the stone roadway. In addition to this, there are 8.53 miles of pavement laid, and the stone broken and delivered to cover a small part of it—say one mile. The stoning of 10.18 miles are not under contract, estimated to cost \$36,556 80. Between Glasgow and the Tennessee line, five miles are under contract for stoning. Three miles at Glasgow are finished, and the stoning of one mile on each side of Scottsville, of which 200 poles are paved on the western mile.

5th. "What part of the road, not now stoned, can be safely used as a dirt turnpike, without stoning?" If that part under contract for stoning between Bardstown and Glasgow was finished, the residue could be used nine months in the year, as a good road, without stoning. Whether any of the contracts could be dispensed with for stoning, I am unable to say positively, but would say that in selecting the portions to be stoned, the soil most abounding in clay, was taken, and that it should be stoned.

That part of the road from Glasgow to the Tennessee line, not under contract for stoning, can be used three fourths of the year without stoning, as far as it is under contract, should all be finished, and none of the contracts dispensed with.

6th. I have been informed by the President of the road (Robert Murrill,) between Glasgow and Scottsville, that a company proposes completing the whole road, and take State bonds, payable in 30 years, bearing an interest, payable semi-annually, at the rate of 6 per cent.

7th. There are 14 bridges on the line from Bardstown to Glasgow. Ten of them are built by *lumping* contracts, and are included in the prices for grading and stoning, per pole, in the contracts; they are small and open, varying in their spans from 20 to 40 feet. There are four large bridges which are completed; they have cost \$73,645 49; what has been paid on them, or what is now due, I cannot with certainty state.

There are between Glasgow and the Tennessee line 12 bridges, the masonry of all of them is completed, except the bridge at Skegg's creek. These bridges were originally estimated to cost \$41,004 50. There has been no final estimate on any them; they can all be finished early in the season.

The bridge over Big Barren will be a toll bridge, and is complete and ready for travel, except the painting, and will cost \$20,722 96.

By an act of the Legislature, approved 29th of February, 1836, entitled, "an act to amend the charter of the Bardstown and Green River Turnpike Road Company," said company are entitled to take double tolls on the toll-gate which shall include the bridges over the Rolling and Beech Forks of Salt river, and the bridge over Green river. And the provisions are also extended to the bridge over Barren river, as will be seen by the second section of the act incorporating said company, approved 25th February, 1836.

Accompanying this answer is a communication from his Excellency C. A. Wickliffe, communicating intelligence relative to the Nashville and Gallatin turnpike road; also, a tabular exhibit showing the condition of each particular section and bridge from Bardstown to the Tennessee line.

HENRY J. EASTIN, *Res. Engineer.*

TO SYLVESTER WELCH, Esq.,
Chief Engineer of Kentucky.

[Governor Wickliffe's letter to the President of the Board of Internal Improvement, enclosing B. Watkins's letter.]

EXECUTIVE OFFICE,
Frankfort, January 21st, 1840. }

DEAR SIR:

I received through the post office, a few days since, the enclosed letter of B. Watkins, Secretary of the Gallatin Turnpike road, in the State of Tennessee, which relates to a subject more immediately under the superintendence of the Board of Internal Improvement. I therefore enclose it to your Board, and invite their attention to the subject, and request you will respond to the same.

Very respectfully, your ob't. serv't.,

CHARLES A. WICKLIFFE,
Lt. Governor of Ky.

JAMES T. MOREHEAD,
President of the Board of Internal Improvement.

[Mr. Watkins's letter to Governor Wickliffe.]

GALLATIN, TENNESSEE, }
January. 8, 1840. }

SIR:

Pursuant to a resolution of the Directors of the Gallatin turnpike company, made on the 16th day of December last, I proceed to state to you the present situation of the Gallatin turnpike road, its prospects, &c. This road was all completed from Nashville to Gallatin, and the gates opened upon it for the receiving of toll, on the 10th day of February last. This is a distance of $26\frac{1}{2}$ miles, measured on the road. The balance of the road from Gallatin to the State line, a distance of $23\frac{2}{3}$ miles, measured on the road, is now all completed, and ready to receive the travel. This road is a McAd-amized Turnpike road. All the bridges are completed, and superior, prob-

ably, to those of any other turnpike road in the west, and perhaps in the Union. The whole cost of this road, from Nashville, through Gallatin to the State line, in the direction of Scottsville, and Glasgow, a distance of $49\frac{1}{2}$ miles, has been at least 290 or 295,000 dollars. This road has been built, and the stock taken, upon the pledge which we had from Kentucky, that it should be continued a McAdamized road from the State line to Scottsville, Glasgow, &c., so as to make it the great thoroughfare from the South, by Nashville, Gallatin, Scottsville, Glasgow, &c., to Louisville, at one point, and Maysville, at another, on the Ohio river. This company have, in good faith, went on and completed the road in this State, in accordance with their contract. They have heard, with the most exceeding regret, that there is a proposition before your Legislature, to discontinue this road, so far as Kentucky is concerned. This company hold it most clearly, that from the pledges which they have from the proper officers of this road in the State of Kentucky, that they are morally bound to have the road completed at as early a period as practicable. To discontinue this road in Kentucky at this time, would be doing very great injustice to this company, and they suppose to that portion of Kentucky through which the road runs. We would beg leave to press upon you, and through you, the Legislature of your State, the propriety and necessity of a speedy completion of the road in your State. When the pledge, made by the officers of your Kentucky road, was made, we had no doubt but the road would be in readiness to send the travel as early as our portion could be, and we still hope and trust that it will not be discontinued.

There is a parallel road from Nashville, in the direction of Franklin, Bowlinggreen, &c., commenced in this State; but it is merely commenced, and cannot be ready to receive travel for 12 or 18 months, in our opinion. One of the largest contractors on that road, is willing to discontinue, if he can secure pay at a reasonable rate, for the work he has done, and *it is possible* that it will be discontinued in this State, and the company surrender their charter.

This road from Buitons' to the top of the ridge, a distance of about 8 miles, is let out for a McAdamized road, and after it ascends the ridge, to the Kentucky line, a distance of about 17 or 18 miles, it is let out for a graded road, which in the opinion of our company, will not answer in this county. I have said this much about the western road from information, not from my personal knowledge of the parts, only as relates to the kind of road to be built.

By order of the Board of Directors of the Company.

B. WATKINS,

Secretary of the Gallatin Turnpike Company.

CHARLES A. WICKLIFFE, Esq.,

Governor of Kentucky.

The said report was referred to the committee of Internal Improvement, and the Public Printer directed to print 150 copies thereof, without the tables, for the use of the General Assembly.

The amendments proposed by the House of Representatives to bills from the Senate of the following titles, were twice read and concurred in, viz:

An act for the benefit of William Matthews.

An act for the benefit of William Osburn and Thomas May.

Engrossed bills of the following titles were each read the third time, viz :

An act authorizing the County Court of Bullitt county to sell the old jail and jail lot, and to build a new jail.

An act to amend the seventh section of an act, entitled, an act for the better securing of the payment of rents, and preventing the fraudulent practices of tenants.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were severally read the third time, as amended, viz :

An act to incorporate the Germantown Academy.

An act to explain and enforce an act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24th, 1834—and an act to amend said act, approved February 8th, 1839.

An act giving Justices of the Peace jurisdiction in actions of trespass and trespass on the case where the damages laid are five pounds, and under.

Resolved, That the said bills do pass, and that the titles of the 1st and 2d be as aforesaid, and that the title of the 3d be amended by striking out "five pounds," and inserting "fifty dollars."

A bill from the House of Representatives, entitled, an act providing for a change of venue in the case of the Commonwealth against Henry Younger, was read the third time, as amended, and the question being taken on the passage thereof, it was decided in the negative, and so the said bill was disagreed to.

Bills from the House of Representatives of the following titles, were severally read the third time, viz :

An act for the benefit of John L. Graves.

An act for the benefit of Joseph Shropshire.

An act for the benefit of Asa Vanlandingham, late Sheriff of Grant county.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A resolution for the adjournment of the General Assembly, offered by Mr. Barlow on the 7th instant, was amended by striking out the 31st day of January and inserting the 7th day of February.

The question being taken on the adoption of the said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Barlow and Huston, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,	Guthrie,	Rice,
Messrs. Anderson,	Hughes,	Schooling,
Ballinger,	Huston,	Sterett,
Barlow,	James,	Wallace,
Bradshaw,	Jasper,	Walker, C. J.
Burnett,	Jesup,	Walker, J. V.
Clarke,	Johnston,	Weller,
Davidson,	Morgan, D.	Williams,
De Courcy,	Morgan, J. S.	Wingate—28.
Ford,		

Those who voted in the negative were—

Messrs. Murrell,	Roberts,	Slaughter—4.
Pratt,		

A resolution directing a tombstone to be placed over the grave of James Clark, late Governor of Kentucky, was adopted.

A bill prohibiting the sale of spirits to any free person of color.

A bill authorizing the building of mill dams upon Trammel's Fork of Drake's creek.

A bill to extend and continue in force an act, approved 29th February, 1836, entitled, an act extending, for a certain period, and with certain limitations, the charter of the old Bank of Kentucky.

Were severally ordered to be engrossed and read a third time.

A bill from the House of Representatives, entitled, an act to amend the execution laws of this Commonwealth, came up in the orders of the day.

Mr. Rice moved to strike out the second section of the said bill, which is as follows, viz:

Sec. 2. *Be it further enacted*, That when a *fieri facias* has, or shall hereafter issue, in any such case, and shall be returned no property found, as to the whole or any part of such execution, the Attorney for the Commonwealth may, in its name and behalf, exhibit a bill in chancery against the proper persons to reach the choses in action, or the equitable right to any property belonging to the defendant in such judgment and execution, and the same shall proceed and be governed by the laws now in force, where a similar return has been made on the execution of a natural person.

The question being taken on striking out the said section, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rice and Guthrie, were as follows, viz:

Those who voted in the affirmative were—

Messrs. De Courcy,	Rice,	Weller—5.
James,	Roberts,	

Those who voted in the negative were—

Mr. Speaker,	Guthrie,	Payne,
Messrs. Anderson,	Hughes,	Schooling,
Ballinger,	Huston,	Slaughter,
Barlow,	Jasper,	Sterett,
Bradshaw,	Jesup,	Wallace,
Burnett,	Johnston,	Walker, C. J.
Clarke,	Morgan, D.	Walker, J. V.
Davidson,	Morgan, J. S.	Williams,
Ford,	Murrell,	Wingate—27.

Ordered, That the said bill be read a third time.

A bill to regulate the County Courts in this Commonwealth, was amended, and the question being taken on engrossing the same and reading it a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. De Courcy and Guthrie, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Guthrie,	Pratt,
Messrs. Ballinger,	Hughes,	Rice,
Burnett,	Huston,	Roberts,
Clarke,	Jesup,	Schooling,
Davidson,	Morgan, J. S.	Slaughter,
Dixon,	Murrell,	Walker, C. J.
Ford,	Payne,	Walker, J. V.—21.

Those who voted in the negative were—

Messrs. Anderson,	Jasper,	Wallace,
Barlow,	Johnston,	Weller,
Bradshaw,	Morgan, D.	Williams,
De Courcy,	Sterett,	Wingate—13.
James,		

Bills from the House of Representatives of the following titles, were severally read the first time, viz:

1. An act to change the time of holding the Circuit Courts for the counties of Simpson, Allen and Warren.
2. An act to incorporate the Georgetown Fire Company.
3. An act regulating the appointment of Commissioners in chancery.
4. An act to amend an act, incorporating the Paris Fire, Life and Marine Insurance Company.
5. An act for the benefit of Charles Faulkner.
6. An act allowing additional Justices of the Peace to the counties of Graves and Wayne.
7. An act allowing further time to the several County Courts of this Commonwealth to furnish a standard of weights and measures.
8. An act allowing the Trustees of the town of Newcastle to open an alley.

9. An act for the benefit of the heirs of William Taylor, deceased.
10. An act for the benefit of Margaret M. Pulliam.
11. An act for the benefit of William E. Grider.
12. An act for benefit of Catharine J. Lloyd.
13. An act for the benefit of Joseph McGlothlin.
14. An act for the benefit of Hiram F. Cravens.
15. An act for the benefit of the Lunatic Asylum at Lexington.
16. An act declaring Wolf river a navigable stream.
17. An act for the benefit of Maston Gore.
18. An act for the benefit of James Hopwood, and others.
19. An act for the benefit of the Frankfort Light Infantry.
20. An act for the benefit of the Volunteer Company, styled the Lancaster Guard, in Garrard county.
21. An act to allow an additional Justice of the Peace in Pendleton county.
22. An act allowing one additional Constable to the county of Jefferson, and for other purposes.
23. An act to amend the laws in relation to the town of Lawrenceburg, in Anderson county.
24. An act allowing an additional Justice of the Peace to Carter county, and for other purposes.
25. An act to open a road from Waggener's Factory, in Hart county, to Elizabethtown, in Hardin county.
26. An act to change the place of voting at an election precinct in Livingston county.

Ordered, That the said bills be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred; the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 21st, 22d, 23d and 24th, to the committee on the Judiciary; the 10th, 11th, 12th, 13th and 14th, to the committee on Religion; the 15th and 17th to the committee of Finance; the 16th and 25th to the committee of Internal Improvement; the 18th, 19th and 20th, to the committee on Military Affairs; and the 26th to the committee of Privileges and Elections.

Mr. Ballinger read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement be, and they are hereby, directed not to close any contract for the building of lock and dam No. 2, on Barren river, until the further action of the Legislature.

On the motion of Mr. Johnston, leave was given to bring in a bill to amend the charter of Shelby College, and the committee on Education was directed to prepare and bring in the same.

And then the Senate adjourned.

THURSDAY, JANUARY 23, 1840.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

An act allowing an additional Constable to Anderson county.

An act for the benefit of the Jailer of Hancock county.

An act to incorporate the town of Chiltonsville, in Henry county.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill to amend the several acts concerning the lunatics and idiots of this State, and for other purposes, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time,

Mr. Guthrie, from the same committee, to whom was referred a bill to repeal an act, entitled, an act to authorize permanent provision for resident females in Kentucky stocks, and guardians to invest the money of their wards in Bank stocks, reported the same with an amendment. The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act of the General Assembly, approved the 16th day of February, 1816, entitled, an act to authorize permanent provision for resident females in Kentucky stocks, and guardians to invest the money of their wards in Bank stocks, shall be, and the same is hereby, repealed.

The amendment proposes to strike out all of the bill after the enacting clause, and to insert in lieu thereof the following, viz:

That the sixth section of an act, entitled, an act to authorize permanent provision for resident females in Kentucky stocks, and guardians to invest the money of their wards in Bank stocks, shall be, and the same is hereby, repealed.

The question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Wallace, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Barlow,
Burnett,
Davidson,
Dixon,
Guthrie,

Hughes,
James,
Jasper,
Johnston,
Payne,
Pratt,

Rice,
Schooling,
Sterett,
Wallace,
Walker, J. V.
Wingate—18.

Those who voted in the negative were—

Messrs. Anderson,	Ford,	Roberts,
Ballinger,	Huston,	Walker, C. J.
Bradshaw,	Jesup,	Weller,
Clarke,	Morgan, J. S.	Wickliffe,
De Courcy,	Murrell,	Williams—15.

Ordered, That the said bill, as amended, be engrossed and read a third time.

Mr. Barlow, from the joint committee of Enrollments, reported that the committee had examined sundry enrolled bills which originated in the House of Representatives, of the following titles, and had found the same truly enrolled, viz:

An act to change the place of voting at the Kennedy precinct, in Garrard county.

An act establishing the Westport precinct, in Oldham county.

An act to change the place of voting from Greenville C. Alfred's, in Washington county, to William Southerland's, and the place of voting in an election precinct in Floyd county.

An act to change the place of voting in the Bowman precinct in Clay county.

An act to establish an election precinct in Christian county.

An act to establish an election precinct in Bracken county, and for other purposes.

An act to establish an election precinct in Carroll county.

An act for the benefit of the Madison Troop of Cavalry.

An act for the benefit of Martha French.

An act for the benefit of Larkin B. Yates.

An act to authorize the Secretary of State to furnish certain books to the Marion County and Circuit Courts.

An act for the relief of certain citizens of Madison county.

An act for the benefit of the Kentucky Baptist Education Society.

An act to establish Marshall College.

An act for the relief of the securities of John L. L. Moore, late Clerk of Simpson county.

An act to incorporate the town of Lagrange.

An act to allow an additional Constable to the county of Nicholas.

An act for the benefit of Patrick Doyle.

An act to allow an additional Justice of the Peace to the county of Hickman.

An act to allow one additional Constable in Lawrence county.

An act to establish the county of Kenton, and for other purposes.

An act to authorize a change of venue in the trial of Buford M. Kuykendall.

An act to incorporate Pleasant Hill Meeting and School House, in Warren county.

An act to establish election precincts in the counties of Clay and Daviess.

An act to amend an act, entitled, an act to extend the powers of the Trustees of the town of Cynthiana, in Harrison county, approved February 12, 1838.

An act to change the time of holding the Trimble County Court.

An act allowing three additional County Courts to the county of Garrard.

An act to change the place of voting in the North Fork precinct in Morgan county.

An act to change the place of voting at an election precinct in Henderson county.

An act for the benefit of Maston Glidewell and Susanna Holebrook.

An act for the benefit of Betty Ann Meadows.

An act for the benefit of John H. Slaughter.

And enrolled bills which originated in the Senate of the following titles, viz:

An act for the benefit of Eliza L. Bryan.

An act to amend an act, entitled, an act to amend the law as to proceedings against non-resident and absent defendants, and unknown heirs.

An act for the benefit of the heirs of George Pence, deceased.

An act to authorize the Trustees of the town of Princeton to sell and convey a part of an alley in said town.

An act for the benefit of Joseph H. Chrisman, and his securities.

An act for the benefit of the infant children of William Hopkins, deceased.

An act authorizing the present Clerk of the Hickman County Court to record certain deeds.

An act to amend the law in relation to garnishee by increasing the jurisdiction of Magistrates in such cases.

An act to regulate the militia of the counties of Marion and Washington.

An act for the benefit of William Matthews and John N. Richardson.

An act for the benefit of William Osborn and Thomas May, and others.

An act for the benefit of the Trustees of the town of Frankfort.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

At four minutes after one o'clock, P. M., Mr. J. S. Morgan moved that the Senate do now adjourn.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wingate and Barlow, were as follows viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Morgan, J. S.	Sterett,
Ballinger,	Payne,	Walker, C. J.
Clarke,	Rice,	Walker, J. V.
Ford,	Roberts,	Weller—13.
Hughes,		

Those who voted in the negative were—

Mr. Speaker,	Guthrie,	Murrell,
Messrs. Barlow,	Huston,	Schooling,
Bradshaw,	James,	Wallace,
Burnett,	Jasper,	Wickliffe,
Davidson,	Jesup,	Williams,
De Courcy,	Johnston,	Wingate—18.

Mr. Davidson presented the remonstrance of a portion of the bar of the Lincoln Circuit Court, and others, citizens of Lincoln county, against adding said county to the ninth Judicial District.

Mr. Jasper presented the petition of Thomas Isbell, praying for a divorce from his wife.

Which were received and referred; the 1st to the committee on the Judiciary, and the 2d to the committee of Religion.

Mr. Wickliffe read and laid on the table the following resolution, viz:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the Governor cause to be erected over the grave of Gabriel Slaughter, deceased, late Governor of Kentucky, a suitable tomb stone, and to enable the Governor to do so, it shall be the duty of the Keeper of the Penitentiary to advance the necessary materials and funds to complete the work—the consent of the son of Governor Slaughter being first obtained for the purpose.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Frankfort Light Infantry Company, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended by adding thereto, "and the Franklin Troop of Cavalry."

Mr. Jesup, from the committee on Military Affairs, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act to establish the Lexington and Fayette Legion.

An act for the benefit of James Hopwood, and others.

An act for the benefit of the volunteer company styled the Lancaster Guard, in Garrard county.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Johnston, from the committee of Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Lunatic Asylum, at Lexington, reported the same without amendment.

Ordered, That said the bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Williams, leave was given to bring in a bill to punish the crime of stealing the bodies of the dead from their graves; and Messrs. Williams, Rice and Bradshaw were appointed a committee to prepare and bring in the same.

Mr. James read and laid on the table the following resolution, viz:

Resolved, That the Board of Internal Improvement be directed to report to the Senate, what amount of Money has been borrowed for the purposes of internal improvement during the year 1839, and from whom or with what corporation was such loan, if any, negotiated, and upon what terms—when and where is said money and interest payable, and to what objects have said funds been applied.

The rule of the Senate being dispensed with, the said resolution was taken up.

Mr. Guthrie moved to lay the said resolution on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Jasper and James, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Davidson,	Roberts,
Messrs. Ballinger,	Guthrie,	Wallace,
Clarke,	Rice,	Wingate—9.

Those who voted in the negative were—

Messrs. Anderson,	James,	Schooling,
Barlow,	Jasper,	Walker, J. V.
Bradshaw,	Jesup,	Weller,
Burnett,	Johnston,	Wickliffe,
Ford,	Murrell,	Williams—16.
Huston,		

The said resolution was amended by adding thereto the following, viz:

Resolved further, That the said Board inform the Senate if they have ad-

vanced to the Lexington and Ohio Railroad Company, money, and to what amount, under the act of the last session, and if they have advanced the amount according to the provisions of said act, without prejudice to the works of Internal Improvement then being constructed.

The said resolution was then adopted.

And then the Senate adjourned.

FRIDAY, JANUARY 24, 1840.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz:

An act for the benefit of Thomas Glascock.

An act for the benefit of John Gooding.

An act to change the time of holding the Lawrence, Morgan, Pike and Floyd Circuit Courts.

An act for the benefit of George Smedley and D. R. Enders.

And that they had passed bills of the following titles, viz:

1. An act to amend the charter of the Oakland Turnpike Road Company.
2. An act for the benefit of the Sheriff of Todd county.
3. An act to repeal the act establishing the Jacksonville election precinct, in Bourbon county.
4. An act to change the place of voting in an election precinct in Ohio county.
5. An act for the benefit of the Jailer of Daviess county.

The said bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee of Internal Improvement; the 2d to the committee on Military Affairs; the 3d and 4th to the committee of Privileges and Elections, and the 5th to the committee on the Judiciary.

Mr. Burnett presented the petition of sundry citizens, praying for the establishment of a State road from Hopkinsville to Smithland, which was received and referred to the committee on the Judiciary.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of the heirs of William Taylor, deceased.

An act allowing the Trustees of the town of Newcastle to open an alley.

Reported the same with amendments to each—which were concurred in.

Ordered, That the said bills be read a third time, as amended.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz :

An act to change the time of holding the Circuit Courts for the counties of Simpson, Allen and Warren.

An act allowing further time to the several County Courts of this Commonwealth to furnish a standard of weights and measures.

An act to amend the laws in relation to the town of Lawrenceburg, in Anderson county.

An act to allow an additional Constable to the county of Trigg.

An act allowing one additional Constable to the county of Jefferson, and for other purposes.

An act to amend an act, incorporating the Paris Fire, Life and Marine Insurance Company.

An act to incorporate the Georgetown Fire Company.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act regulating the appointment of Commissioners in chancery, reported the same with the opinion of the committee that it ought not to pass. The said bill was recommitted to the committee on the Judiciary.

Mr. Rice, from the committee of Propositions and Grievances, to whom was referred the petition of Hiram Philips, praying the passage of a law authorizing him to bring three slaves into this State, reported the following resolution thereon, viz :

Resolved, That the said petition be rejected.

The question being taken on concurring in the said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Jasper, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Anderson,
Ballinger,
Bradshaw,
Clarke,
Davidson,

Ford,
Guthrie,
Hughes,
Morgan, J. S.
Payne,
Pratt,

Rice,
Schooling,
Sterett,
Walker, C. J.
Weller,
Wingate—18.

Those who voted in the negative were—

Messrs. Barlow,	Jasper,	Slaughter,
Burnett,	Jesup,	Wallace,
De Courcy,	Johnston,	Walker, J. V.
Dixon,	Murrell,	Wickliffe,
Huston,	Pitts,	Williams—17.
James,	Roberts,	

Mr. Rice, from the same committee, to whom was referred the petition of sundry citizens of the town of Glasgow, praying for a reduction of their town tax, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

The question being taken on concurring in the said resolution, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Murrell and Pratt, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Morgan, J. S.	Sterett,
Davidson,	Pratt,	Walker, C. J.
Guthrie,	Rice,	Walker, J. V.
Hughes,	Schooling,	Weller,
Huston,	Slaughter,	Wingate—16.
James,		

Those who voted in the negative were—

Mr. Speaker,	Ford,	Payne,
Messrs. Anderson,	Jasper,	Pitts,
Barlow,	Jesup,	Roberts,
Bradshaw,	Johnston,	Wallace,
Burnett,	Morgan, D.	Wickliffe,
Clarke,	Murrell,	Williams—19.
De Courcy,		

Ordered, That the committee of Propositions and Grievances report a bill pursuant to the said petition.

Mr. Rice, from the same committee, to whom was referred the petition of sundry citizens of Pulaski county, praying to be added to Rockcastle county, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Huston, from the committee of Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to change the place of voting in an election precinct in Livingston county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wingate, from the committee of Religion, to whom was referred the petition of Elizabeth Higby, praying for a divorce from her husband, reported the following resolution thereon, viz:

Resolved, That the said petition is reasonable.

Which was concurred in, and the committee was directed to report a bill pursuant to the said petition.

Mr. Wingate, from the same committee, to whom was referred the petition of Robert A. Long, praying for a divorce from his wife, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Wingate, from the same committee, to whom was referred the petition of Granville C. Brown, praying for a divorce, and the petition of Isabella Penn, praying for a divorce, reported the following resolution thereon, viz:

Resolved, That the said petitions be rejected.

The question being taken on concurring in the said resolution, it was decided in the negative.

Ordered, That the committee of Religion report bills pursuant to said petitions.

Mr. Wingate, from the committee of Religion, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

1. An act for the benefit of William B. Wallace.
2. An act for benefit of Catharine J. Lloyd.
3. An act for the benefit of Hiram F. Cravens.
4. An act for the benefit of William E. Grider.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading of the 1st, 2d and 4th bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives of the following titles, viz:

1. An act for the benefit of Richard Lucas, Sen'r.
2. An act for the benefit of Anderson Wade.
3. An act for the benefit of Joseph McGlothlin.
4. An act for the benefit of Permelia Hawly.
5. An act for the benefit of Margaret M. Pulliam.
6. An act for the benefit of Joseph S. Elgin.

Reported the same with the opinion of the committee that they ought not to pass.

The question being taken on reading the 2d, 4th, 5th and 6th a third time, it was decided in the negative, and so the said bills were disagreed to.

Ordered, That the 1st and 3d bills be read a third time,

The constitutional rule as to the third reading of the said bills being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Ballinger, from the committee of Internal Improvement, made the following report, viz :

The committee of Internal improvement has had under consideration, so much of the Governor's message as relates to the Lexington and Ohio Railroad Company, and also a resolution upon the same subject, to them referred, and ask leave to report,

That the act for the benefit of the Lexington and Ohio Railroad Company, approved February 2, 1833, which authorizes the guarantee of the Commonwealth, sufficiently provides for the contingency which has happened, and that no legislative action upon the subject is necessary.

The committee was thereupon discharged.

Mr. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled an act for the benefit of Maston Gore, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz :

By Mr. Guthrie, from the committee on the Judiciary—1. A bill to establish the town of Lafayette, in the county of Henderson.

2. A bill to amend an act, entitled, an act for the benefit of the widow and heirs of Francis Hagan, deceased.

By M. Clarke, from the committee on Education—3. A bill for the benefit of the Paducah Seminary.

4. A bill to amend the charter of Shelby College.

5. A bill to incorporate the Lagrange Seminary, in Oldham county, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the 1st, 3d and 5th bills being dispensed with, they were ordered to be engrossed and read a third time,

The constitutional rule as to the second and third readings of the 2d and 4th bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Anderson presented the petition of sundry citizens of Green county, praying for the formation of a new county out of a part of said county.

Also, a petition counter thereto.

Which were received and referred to the committee of Propositions and Grievances.

Mr. Wickliffe read and laid on the table the following resolutions, viz :

The General Assembly of the State of Kentucky has seen, with surprise, that a bill is pending before the Senate of the United States, to cede to the States, respectively, the public lands within each State, without the assent of the States, or the nation's making to the whole States any compensation therefor. Against this proceeding, and against the power of Congress thus to sacrifice the property of the whole States for the benefit of a few of the States, Kentucky feels herself called upon to enter her solemn protest, and to make her appeal to her sister States, to unite with her in asserting the just claims of all the States to an equal participation in the common property of all the States. The public domain will appear to consist of two classes of property, viz : That which was conquered from the crown of Great Britain, by the common struggle and treasure of all the States ; and of that which has been acquired by purchase, and paid for by the money of all the States.

The first class, the Congress of the United States holds by deeds of trust, expressly for the use of the United States. The second class, by treaties of cession, made in the name and for the benefit of all the States. For these last acquired lands, the old States advanced the stipulated considerations in money, and further agreed to allow the inhabitants of newly acquired territories to an equal participation in the government of the Union, with the citizens of the old States.

By the deeds from the States of Georgia and Virginia, it will appear that Congress is created the trustee of the United States—in the deed made by Thomas Jefferson, Samuel Hardy, Arthur Lee and James Monroe, commissioners on the part of Virginia, bearing date the first day of March, 1784, for the lands lying north-west of the river Ohio—Congress is only constituted the trustee of the States; and the act of Assembly, raising the commission to make the deed, expressly provides, that the commissioners are authorized to make the deed to Congress, for the benefit of the United States; so that it is manifest, that the national government, having bought Louisiana and Florida with the money of all the States, and with their consent, that the States created within Louisiana, have been received into the Union upon an equal footing with the old States. We deem any grant or transfer of the public domain within Florida and the limits of Louisiana, as ceded to the United States, to any one or more States, or to any use whatever, other than for the use and benefit of all the States, not only iniquitous, but a violation of the Constitution of the United States, which places all the States upon equal rights and footing, whereby no State can derive a gift or grant of what is the property of all, unless the gift or grant shall enure to the use and equal benefit of all. As to the lands which have been conveyed by deed to Congress, in trust for the benefit of the States, we not only deny the right of Congress to cede them to any one or more States within which they lie, but we maintain that they are the property of the States, as such, and

that all the States have a right to the whole moneys raised therefrom, to be distributed among them according to their federal number; and that any act of the Congress of the United States, ceding them to the States in which they lie, will be a gross breach of trust, and an act of usurpation, to which the States (as such) ought not to submit—wherefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That our Representatives and Senators in Congress be requested to enter the solemn protest of the State of Kentucky, against the passage of any act of Congress, by which the public lands aforesaid, or any part of them, shall be ceded to the States within which they lie, or applied to any use or purpose whatever, but what shall enure alike to all the States of the Union.

Resolved, further, That our Representatives and Senators in Congress, urge upon Congress the justice and propriety of setting aside the revenue, arising from the sale of the public lands, for an equal distribution among the States, according to federal numbers; and that they claim, as matter of right, that all lands so conveyed in trust to Congress, can of right be applied to no other purpose than for the benefit of the States, and consequently, whenever the public good requires them to be sold, that the proceeds belong to the States, and should be equally distributed between them.

Resolved, That his Excellency, the Governor, be requested to transmit to each of our Representatives and Senators in Congress, copies of the foregoing preamble and resolutions, and that he request them immediately to present them to each branch of the National Legislature.

Resolved, further, That he transmit copies to the President and Vice President of the United States, and to each Executive of all the States; and that he respectfully request the Executive of each State to lay them before their respective General Assemblies, and invite their attention to the subjects embraced in them, and to give to this Legislature their co-operation, in arresting the attempt now being made to deprive the old States of their just and equal portions and benefit of the public lands belonging to the United States.

The Speaker laid before the Senate the following report from the President of the Board of Internal Improvement, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT, }
Frankfort, January 24, 1840. }

SIR:

In answer to the resolution of the 23d inst., the Board of Internal Improvement respectfully report to the Senate,

That when the Board were advised by the late Governor, that the bonds or scrip authorized to be sold for internal improvement purposes, in the year 1839, could not be disposed of, they directed the President, with the approbation of the Governor, to apply to the Banks for accommodations, to enable them to carry on the public works. He accordingly made the application, in person, to the Bank of Kentucky and the Northern Bank. An arrangement was made with the former, that the Board would receive, at intervals of thirty days, as the estimates of the contractors on the rivers would fall due, the sum of \$45,000, until the sum of \$180,000 should be received.

Similar arrangements were made with the Northern Bank, by which the Board have received from that Bank \$235,000, advanced by the Bank as the necessities of the Board required. The sum of \$215,000, less the discount, was received during the year 1839—the remainder during the present year.

Notes at four and six months have been given to the Banks, respectively, according to the terms of the agreements at the time—the principal and interest payable at the principal Banks. Some of the notes have fallen due, and have been renewed, the interest having been paid at the time of renewal.

In the month of October, 1839, on the application of the present Governor, the Bank of Louisville loaned the Board the sum of \$30,000, for which a note was executed to the Bank by the President of the Board—the amount loaned to be refunded in two years, say on the 1st January, 1842, and the note to be punctually renewed every four or six months, and the discount paid in advance, on the same principle that the notes of the other debtors of the Bank are discounted.

The Board also annex the statement, marked A, showing the aggregate amount loaned.

The moneys thus obtained have been applied, mainly, to the prosecution of the works on the Licking, the Kentucky and the Green and Barren rivers, much the larger portion of it to the Kentucky; and payments have occasionally been made to the road companies, of such sums as were indispensably necessary, as the Board were informed, to save the contractors on many of the roads from ruinous sacrifices, with which they were threatened, for want of the means to meet their engagements.

At the meeting of the Board in June, 1839, an application was made by the President of the Lexington and Ohio Railroad Company, for a loan of \$20,000, in conformity with the provisions of the act of the last General Assembly, entitled, "an act for the benefit of the Lexington and Ohio Railroad Company," approved 23d February, 1839, and the order contained in the annexed paper, marked B, was made.

The case presented to the Board was, in substance, that portions of the abutments of the bridge across the Kentucky river had been built; that they were in an unfinished condition, and that when the water should be raised by the dam on the river below, the abutments would be submerged at least ten feet; that it would be impracticable for the company to have proceeded with the work in that condition, without a very heavy additional expense, and that, with the assistance of the Board, the abutments could be placed beyond the reach of the water.

Under these circumstances, the Board deemed it their duty to furnish the required assistance to the extent of enabling the company to construct the abutments above the water to be raised by the dam, and a sum sufficient for that purpose was included in the amount borrowed from the Bank of Kentucky.

The Board considered, that, inasmuch as the company had the privilege, by law, to build a bridge across the river at the place designated, if by the elevation of the water, the abutments were submerged, the company would have the same right to damages for injury sustained, that other individuals would have under like circumstances.

The work is now raised above the ordinary level of the pool of the river, to accomplish which, the Board has advanced the sum of \$15,000, having

first required the bond of the company, payable to the Commonwealth, with the endorsement specified in the law, a copy of which, marked C, is herewith annexed.

I have the honor to be,

Very respectfully, your ob't serv't,

JAMES T. MOREHEAD,

President of the Board of Internal Improvement.

Hon. SAMUEL HANSON,

Speaker of the Senate.

A.

A statement showing the amount of money borrowed by the Board of Internal Improvement, during the year 1839.

1839, June 15.	From Bank of Kentucky,	\$45,000
July 15.	do. do.	45,000
Aug. 15.	do. do.	45,000
Oct. 1.	do. do.	20,000
do. 18.	do. do.	20,000
do. 28.	do. do.	5,000
		<hr/> 180,000 00
1839, May 20.	From Northern Bank of Kentucky,	
	\$25,000 less the discount,	\$24,483 33
June 15.	From Northern Bank of Kentucky,	
	\$15,000, less the discount,	14,690 00
July 15.	From Northern Bank of Kentucky,	
	\$95,000, less the discount,	93,036 67
Oct. 12.	From Northern Bank of Kentucky,	
	\$20,000, less the discount,	19,386 67
Nov. 6.	From Northern Bank of Kentucky,	
	\$30,000, less the discount,	29,093 33
Dec. 13.	From Northern Bank of Kentucky,	
	\$30,000, less the discount,	29,380 00
		<hr/> 210 070 00
Nov. 29.	From Bank of Louisville, \$30,000,	
	less the discount,	28,895 00

Total amount received by Board of Internal Improvement
from Banks in 1839, - - - - -

\$418,967 00

In the report made to the House of Representatives, in answer to a resolution of that body of the 18th ult., the net amount received from the Banks, was stated at - - - - -

\$418,678 33

In the press of business, that report was made without referring to the Auditor's quietus, for the last sum borrowed from the Northern Bank, named above, the principal being the same as the loan immediately preceding it, it was supposed the discount would have been the same; but the first loan was for six months—the latter for four—hence there is a difference in the discount of this sum, - - - - -

286 67

\$418,965, 00

B.

At a meeting of the Board of Internal Improvement on Monday, June 24th, 1839—present, James T. Morehead, President, Manlius V. Thomson and Samuel Daviess.

Upon application of the Lexington and Ohio Railroad Company, it is ordered, that this Board will make the loan of the twenty thousand dollars to said company, agreeable to the provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled, "an act for the benefit of the Lexington and Ohio Railroad Company," approved 23d February, 1839; and the President of this Board is hereby authorized and directed to receive of said company its bond, endorsed by the city of Louisville, for said twenty thousand dollars, payable to the Commonwealth of Kentucky, as required by said act; and to pay, on account of said loan, twenty five hundred dollars, for the purpose of paying the contractors, in part, for the masonry, &c., for the bridge across the Kentucky river, on said road; and the further sum of twenty five hundred dollars per month thereafter, until the full amount of said twenty thousand dollars shall be paid, for the purpose of enabling said company to pay for the work done, and to be done, on the abutments of said bridge, so as to raise them out of the way of the water in said river, which may be occasioned by the erection of the locks and dams therein; and that the said company shall only be charged with interest on the sums received as aforesaid, from the time it may be paid over to them: *Provided*, That the work shall progress, including that already done, so as to require the payment of the money as fast as hereinbefore stated, and not otherwise: *Provided, further*, That the amount to be advanced as above, must be made to depend on the amount received by the Board, by loans from the Banks or otherwise.

A true copy.

Attest,

AUSTIN P. COX,

Secretary of the Board of Int Imp't.

Upon the loan authorized by the foregoing order, and upon the filing of the bond of the Railroad Company, endorsed by the city of Louisville, in the office of the Board of Internal Improvement, the Board has paid to said company as follows:

July 6, 1839—this sum,	-	-	-	\$2,500
August 19, 1839, do.	-	-	-	2,500
Sept. 21, 1839, do.	-	-	-	2,500
October 25, 1839, do.	-	-	-	2,500
Nov. 30, 1839, do.	-	-	-	2,500
Dec. 25, 1839, do.	-	-	-	2,500

\$15,000

C.

LEXINGTON AND OHIO RAILROAD OFFICE, }
 Louisville, July 1st, 1839. }

[\$20,000.]

Twenty five years after date, the Lexington and Ohio Railroad Company promise to pay to the Commonwealth of Kentucky, or order, without defalcation, the sum of twenty thousand dollars, with legal interest thereon from this date, until paid, half yearly, at the Bank of Kentucky, in Louisville, Kentucky, for value received.

[SEAL.] Witness the signature of the Railroad Company by its President, who hath caused the corporate seal of said company to be here-to affixed, and countersigned by James Guthrie, the Secretary pro tem. of said company.

The Lexington and Ohio Railroad Company, by
 LEVI TYLER, *President*.

Attest,
 JAMES GUTHRIE, *Secretary pro tem.*

MAYOR'S OFFICE, }
 City of Louisville, Kentucky. }

The city of Louisville hereby guarantees the punctual payment of the interest on the within bond as it falls due, and the final payment of the principal; and pledges the faith and all the effects of the city, real and personal, for the same.

In witness whereof, the Mayor hath hereto set his hand, and caused the seal of the city to be affixed, and the counter signature of the Clerk, this first day of July, 1839.

[SEAL.]

For the city of Louisville,
 FRED. A. KAYE, *Mayor*.

Attest,
 G. J. JOHNSTON, *C. C. L.*

The bond within, and above endorsement, are copies from the original, filed in the office of the Board of Internal Improvement.

AUSTIN P. COX,
Secretary of the Board of Int. Imp.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Wickliffe—1. A bill more effectually to secure the collection and payment of fines and forfeitures.

Also—2. A bill to repeal, in part, an act amending the charter of the Lexington and Ohio Railroad Company, and for other purposes.

Also—3. A bill to regulate and define the jurisdiction of the Chancery Court of the county of Jefferson and city of Louisville.

On the motion of Mr. Barlow—4. A bill for the benefit of David Jones, late Sheriff of Mercer county.

On the motion of Mr. Wingate—5. A bill for the benefit of the Anderson county Seminary.

Messrs. Wickliffe, Payne and Clarke were appointed a committee to prepare and bring in the 1st; the committee on Internal Improvement were directed to prepare and bring in the 2d; the committee on Finance the 4th; Messrs. Wickliffe, Payne and Daniel Morgan the 3d; and Messrs. Wingate, Hughes and De Courcy the 5th.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. De Courcy—1. A bill to amend an act, entitled, an act to amend the laws defining the powers of the Trustees of the town of Newport, approved January 12th, 1830.

By Mr. Williams—2. A bill to punish the crime of stealing dead bodies from their graves.

Which bills were each read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bills were referred to the committee on the Judiciary.

On the motion of Mr. Johnston, the committee of Finance was discharged from the further consideration of the petition of sundry citizens of Lexington, in relation to certain manufactured articles imported into this State.

On the motion of Mr. Wickliffe the said petition was withdrawn.

A message was received from the House of Representatives, announcing that they are now ready to proceed to the election of Public Officers.

Mr. James was directed to inform the House of Representatives that the Senate are now ready to proceed to the said election.

After interchanging nominations between the Houses, the Senate proceeded to vote for Treasurer, and the vote stood as follows, viz:

Those who voted for Mr. Davidson, were—

Mr. Speaker,	Huston,	Roberts,
Messrs. Anderson,	James,	Schooling,
Ballinger,	Jesup,	Slaughter,
Barlow,	Johnston,	Sterett,
Bradshaw,	Morgan, D.	Walker, C. J.
Clarke,	Morgan, J. S.	Walker, J. V.
Davidson,	Murrell,	Weller,
Dixon,	Payne,	Wickliffe,
Ford,	Pitts,	Wingate—29
Guthrie,	Rice,	

Those who voted for Mr. Berryman, were—

Messrs. Burnett,	Jasper,	Wallace,
De Courcy,	Pratt,	Williams—7.
Hughes,		

Messrs. James and D. Morgan were appointed a committee, on the part of the Senate, to meet the committee on the part of the House of Representatives, to compare the joint vote and report the result. After a short time Mr. James reported that the joint vote stood thus:

For Mr. James Davidson,	-	-	-	-	96
For Mr. Thomas A. Berryman,	-	-	-	-	33

Mr. James Davidson having received a majority of all the votes given, was declared duly elected Treasurer of this Commonwealth for the ensuing year.

The Senate then proceeded to vote for Public Printer, and the vote stood thus:

Those who voted for Mr. A. G. Hodges, were—

Mr. Speaker,	Huston,	Pratt,
Messrs. Ballinger,	James,	Slaughter,
Barlow,	Johnston,	Sterett,
Bradshaw,	Morgan, D.	Walker, C. J.
Clarke,	Morgan, J. S.	Walker, J. V.
Davidson,	Murrell,	Weller,
Dixon,	Payne,	Wickliffe,
Ford,	Pitts,	Wingate—24.

Those who voted for Mr. J. H. Holeman, were—

Messrs. Anderson,	Hughes,	Roberts,
Burnett,	Jasper,	Schooling,
De Courcy,	Jesup,	Wallace,
Guthrie,	Rice,	Williams—12.

Messrs. James and D. Morgan were appointed a committee, on the part of the Senate, to meet a committee on the part of the House of Representatives, to compare the joint vote, and report the result. After a short time Mr. James reported that the joint vote stood thus:

For Albert G. Hodges,	-	-	-	-	87
For Jacob H. Holeman,	-	-	-	-	43

Mr. Albert G. Hodges having received a majority of all the votes given, was declared duly elected Public Printer for the ensuing year.

The Senate then proceeded to the election of Librarian, when Mr. George A. Robertson received a unanimous vote.

Messrs. James and D. Morgan were appointed a committee, on the part of the Senate, to meet a committee on the part of the House of Representatives, to compare the joint vote, and report the result. After a short time Mr. James reported that Mr. George A. Robertson had received the unanimous vote of both Houses; whereupon he was declared duly elected Librarian for the ensuing year.

A message was received from the House of Representatives, announcing that they had adopted a resolution to postpone the election of a President and Directors of the Bank of the Commonwealth until the sixth of next month.

The said resolution was twice read and concurred in.

Bills from the House of Representatives of the following titles, were severally read the first time, and ordered to be read a second time, viz :

An act allowing an additional Constable to Anderson county.

An act for the benefit of the Jailer of Hancock county.

An act to incorporate the town of Chiltonsville, in Henry county.

The constitutional rule as to the second reading being dispensed with, the said bills were referred to the committee on the Judiciary.

Leave was given to bring in the following bills, viz :

On the motion of Mr. Guthrie—1. A bill to amend the law in civil proceedings.

On the motion of Mr. Barlow—2. A bill for the benefit of James Flippin, Sheriff of Monroe county.

On the motion of Mr. Slaughter—3. A bill for the benefit of Ignatus S. Coomes.

The committee on the Judiciary was directed to prepare and bring in the 1st; Messrs. Barlow, Jasper and Roberts were appointed a committee to prepare and bring in the 2d; and Messrs. Slaughter, Guthrie and Dixon the 3d.

And then the Senate adjourned.

SATURDAY, JANUARY 25, 1840.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate, to a bill from that House, entitled, an act for the benefit of the Frankfort Light Infantry.

A message, in writing, was received from the Lieutenant and Acting Governor, by Mr. Coleman, assistant Secretary of State.

Mr. Weller presented the petition of James L. Alcorn, deputy Sheriff of Livingston county, praying for the passage of a law giving further time to pay into the Treasury the balance of the revenue of said county, for the year 1839; and for further time to return the delinquent list of militia fines for the 24th Regiment.

Mr. Wingate presented the memorial of the Kentucky State Agricultural Society, praying for such legislative action in behalf of agriculture, as the present condition and future improvement in this State may seem to require.

Which were received; the 1st was referred to the committee of Finance, and the 2d to the committee on Agriculture.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Todd county, reported the same without amendment.

The said bill was amended, and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended to read, and act for the benefit of the Sheriffs of Todd and Monroe counties.

The following bills were reported, viz :

By Mr. Jesup, from the committee on Military Affairs—1. A bill to amend the militia law.

By Mr. Wingate, from the committee appointed for that purpose—2. A bill for the benefit of the Anderson county Seminary.

By Mr. Slaughter, from the committee appointed for that purpose—3. A bill for the benefit of Ignatus S. Coomes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 2d was referred to a select committee of Messrs. Wingate, Hughes and De Courcy; the 3d to the committee on the Judiciary, and the 1st bill was ordered to be read a third time.

The constitutional rule as to the third reading of the first bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Resolutions concerning the public lands, read and laid on the table by Mr. Wickliffe on yesterday, were taken up.

Ordered, That the said resolutions be made the order of the day for Wednesday next, and that the Public Printer print 150 copies of the same for the use of the General Assembly.

And then the Senate adjourned.

MONDAY, JANUARY 27, 1840.

A message was received from the House of Representatives, announcing that they had disagreed to the amendment proposed by the Senate to a bill from that House, entitled, an act giving Justices of the Peace jurisdiction in actions of trespass and trespass^s, on the case, where the damages laid are five pounds or under.

That they had concurred in the amendment proposed by the Senate to the amendment proposed by that House to a bill from the Senate, entitled, an act providing for the apprehension and detention of fugitives from justice from other States.

That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act legalizing the proceedings of the Court of Assessment of the 16th Regiment of Kentucky Militia, and for other purposes.

An act providing for a change of venue in a prosecution for perjury against John Henry.

An act for the benefit of N. S. Robertson, and for other purposes.

An act for the benefit of James Sego.

An act to amend the law relating to the Wilderness turnpike road, and adjacent roads leading from same to Goose creek Salt Works.

An act for the benefit of the infant heirs of Samuel Craig, deceased.

An act to incorporate the Germantown Academy.

That they had passed a bill, entitled, an act for the benefit of the Sheriff of Pendleton county.

And that they requested leave to withdraw the report of the disagreement of that House to a bill from the Senate, entitled, an act providing for a change of venue in the case of the prosecution against Joseph McMilen. Leave to withdraw said report was granted.

Mr. Clarke presented the petition of Thomas H. Ballard, praying for the passage of a law allowing him fifteen dollars, the amount paid by him for keeping a prisoner charged with felony, which was received and referred to the committee of Finance.

On the motion of Mr. Guthrie, the committee on the Judiciary was discharged from the further consideration of the petition of sundry citizens of Lincoln county, praying that said county may be added to the ninth Judicial District, and also the petition counter thereto.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred

bills from the House of Representatives of the following titles, reported the same with an amendment to each, viz:

An act for the benefit of William B. Graves, of Cynthiana.

An act to amend the charter of the Covington Insurance Company.

The amendment to the first bill was concurred in, and the amendment to the second was amended and concurred in.

Ordered, That the said bills be read a third time, as amended.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the town of Chiltonsville, in Henry county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Payne, from the same committee, to whom was referred a bill to amend the charter of the city of Lexington, and for other purposes, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

Mr. Rice, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of Caldwell, Livingston, Hopkins and Union counties, praying for a new county out of parts of said counties, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

The question being taken on the adoption of the said resolution, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sterett and Davidson, were as follows viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Murrell,	Schooling,
Davidson,	Payne,	Sterett,
Guthrie,	Rice,	Walker, C. J.—10.
Morgan, D.		

Those who voted in the negative were—

Mr. Speaker,	Huston,	Slaughter,
Messrs. Anderson,	James,	Wallace,
Ballinger,	Jasper,	Walker, J. V.
Bradshaw,	Jesup,	Weller,
Burnett,	Pitts,	Wickliffe,
Clarke,	Pratt,	Williams,
De Courcy,	Roberts,	Wingate—22.
Ford,		

Ordered, That the committee of Propositions and Grievances prepare and bring in a bill pursuant to said petition.

Mr. De Courcy presented the petition of Judge H. Payne, praying for a dissolution of a marriage between him and the supposed Mary Ann Riley, who is the wife of Philip O'Brien in fact, which was received and referred to the committee of Religion.

The following bills were reported, viz:

By Mr. Guthrie, from the committee on the Judiciary—1. A bill for the benefit of the widow and infant heir of John Gilbert, deceased.

By Mr. Rice, from the committee of Propositions and Grievances—2. A bill concerning the town of Glasgow.

Which bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A message, in writing, received from the Lieutenant and Acting Governor on the 25th instant, was taken up and read as follows, viz:

EXECUTIVE OFFICE,
January 25, 1840. }

Gentlemen of the Senate:

I nominate for your advice and consent, the following persons to fill the office of Attorneys for the Commonwealth, in the several and respective Judicial Districts named:

Harrison Taylor,	1st	Judicial District.
William K. Wall,	2d	do. do.
R. A. Buckner,	3d	do. do.
George B. Kinkead,	4th	do. do.
Nathaniel Wolfe,	5th	do. do.
A. R. Macey,	6th	do. do.
Iredell Hart,	7th	do. do.
Azlette Buckner,	8th	do. do.
George C. Thurman,	9th	do. do.
Robert C. Clark,	10th	do. do.
Ed. J. Bullock,	12th	do. do.
Thomas W. Riley,	13th	do. do.
Alfred Allen,	14th	do. do.
W. B. Moore,	15th	do. do.
Robert A. Patterson,	16th	do. do.

Respectfully, yours,

C. A. WICKLIFFE.

Resolved, That the Senate advise and consent to the said appointments, except to that of Robert A. Patterson.

On the motion of Mr. James, the nomination of Robert A. Patterson was referred to the committee on the Judiciary.

Mr. Weller moved to reconsider the vote referring the said nomination to the committee on the Judiciary.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Weller and James, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Davidson,	Walker, C. J.
Messrs. Ballinger,	Huston,	Walker, J. V.
Bradshaw,	Morgan, D.	Weller,
Clarke,	Payne,	Wickliffe—12.

Those who voted in the negative were—

Messrs. Anderson,	James,	Schooling,
Barlow,	Jasper,	Slaughter,
Burnett,	Jesup,	Sterett,
De Courcy,	Murrell,	Wallace,
Ford,	Pitts,	Williams,
Guthrie,	Rice,	Wingate—20.
Hughes,	Roberts,	

A bill to change the time of the meeting of the General Assembly, came up in the orders of the day.

Mr. De Courcy moved to lay the said bill on the table until the first day of June next.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Wingate, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	De Courcy,	Payne,
Messrs. Anderson,	Guthrie,	Pitts,
Ballinger,	Huston,	Rice,
Clarke,	Jasper,	Williams,
Davidson,	Jesup,	Wingate—15.

Those who voted in the negative were—

Messrs. Barlow,	Morgan, D.	Wallace,
Bradshaw,	Murrell,	Walker, C. J.
Burnett,	Roberts,	Walker, J. V.
Dixon,	Schooling,	Weller,
Ford,	Slaughter,	Wickliffe—17.
Hughes,	Sterett,	

The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky,
That the annual meeting shall hereafter be on the first Mondays in October,

in every year, instead of the first Mondays of December, any law to the contrary notwithstanding.

Mr. Jasper moved to amend the said bill by striking out the "first Monday in October," and inserting in lieu thereof the "last Monday in December."

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Payne and Jasper, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Burnett,	Morgan, D.	Wallace,
Dixon,	Murrell,	Walker, J. V.
Guthrie,	Payne,	Weller,
James,	Rice,	Wingate—14.
Jasper,	Sterett,	

Those who voted in the negative were—

Mr. Speaker,	De Courcy,	Roberts,
Messrs. Anderson,	Ford,	Schooling,
Ballinger,	Hughes,	Slaughter,
Barlow,	Huston,	Walker, C. J.
Bradshaw,	Jesup,	Wickliffe,
Clarke,	Pitts,	Williams—20.
Davidson,	Pratt,	

Mr. Barlow moved to amend the said bill by striking out the "first Monday in October, and inserting the "third Monday in October."

Mr. Payne moved to strike out the enacting clause of the said bill.

The question being taken on the motion of Mr. Payne, it was decided in the affirmative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Payne and Barlow, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,	Guthrie,	Pitts,
Messrs. Anderson,	Huston,	Rice,
Ballinger,	Jasper,	Sterett,
Clarke,	Jesup,	Wallace,
Davidson,	Morgan, D.	Williams,
De Courcy,	Payne,	Wingate—18.

Those who voted in the negative were—

Messrs. Barlow,	James,	Slaughter,
Bradshaw,	Murrell,	Walker, C. J.
Burnett,	Pratt,	Walker, J. V.
Dixon,	Roberts,	Weller,
Ford,	Schooling,	Wickliffe—16.
Hughes,		

Leave was given to bring in the following bills, viz:

On the motion of Mr. Barlow—1. A bill for the benefit of Edward Land.

On the motion of Mr. Wingate—2. A bill to authorize the County Court of Owen county to change the road from Marion to New Liberty.

On the motion of Mr. Pitts—3. A bill for the benefit of the Grayson county Seminary.

Messrs. Barlow, Roberts and James were appointed a committee to prepare and bring in the 1st; Messrs. Wingate, Burnett and Pitts the 2d, and the committee on Education was directed to prepare and bring in the 3d.

On the motion of Mr. Pratt, the vote rejecting the petition of Hiram Phillips, was reconsidered.

On the motion of Mr. Ballinger, a message was sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act to allow one additional Justice of the Peace to Whitley county, and for other purposes.

And then the Senate adjourned.

TUESDAY, JANUARY 28, 1840.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to incorporate the Mills' Point House Company, with an amendment.

And that they had passed bills of the following titles, viz:

An act to incorporate the Crab Orchard Seminary, in Lincoln county.

An act for the benefit of Rachel Watts, and her children.

An act authorizing the Trustees of the Pendleton Academy to loan the funds of the institution upon bonds and obligations.

An act to amend the law of descents and distribution.

An act to incorporate the Louisville First Ward Lyceum.

An act to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

1. Mr. Sterett presented the memorial of sundry citizens of Breckinridge county, praying for the repeal or modification of the existing laws in regard to taverns and tippling houses, so as more effectually to suppress the evils of intemperance.

2. Mr. Wickliffe presented the memorial of sundry citizens of Lexington and Fayette county, praying for the repeal of all the license laws now in

force, and the passage of such laws as shall prevent the sale of any sort of intoxicating drinks as a beverage.

3. Mr. De Courcy presented the memorial of sundry ladies of the city of Newport and its vicinity, praying for the repeal of the present license laws of this State, and to prevent the sale of ardent spirits, except by Apothecaries, as a medicine.

4. Mr. Wickliffe presented the remonstrance of sundry citizens of Campbell county, against the formation of the county of Kenton.

Which were severally received and referred; the 1st, 2d and 3d to the committee of Religion, and the 4th to the committee of Propositions and Grievances.

The question being taken on concurring in the resolution, that the petition of Hiram Phillips be rejected, reported from the committee of Propositions and Grievances, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Davidson and Jasper, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Davidson,	Payne,
Messrs. Anderson,	Guthrie,	Rice,
Ballinger,	Hughes,	Schooling,
Bradshaw,	Morgan, D.	Sterett,
Clarke,	Morgan, J. S.	Wingate—15.

Those who voted in the negative were—

Messrs. Barlow,	James,	Slaughter,
Burnett,	Jasper,	Wallace,
De Courcy,	Jesup,	Walker, J. V.
Dixon,	Johnston,	Weller,
Ford,	Pitts,	Wickliffe,
Huston,	Roberts,	Williams—18.

Ordered, That the committee of Propositions and Grievances report a bill pursuant to said the petition.

A message was received from the Lieutenant and Acting Governor, by Mr. Coleman, assistant Secretary of State, announcing that he had approved and signed sundry enrolled bills, which originated in the Senate, of the following titles, viz:

An act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes.

An act for the benefit of the Sheriff of Marion county.

An act for the benefit of the Sheriff of Nicholas county.

An act allowing Edward C. Haydon to build a mill dam across Salt river.

An act to change the time of holding the Circuit Courts in the 16th Judicial District.

An act for the benefit of the Louisville College.

An act for the benefit of the adopted child of Samuel L. and Tabitha Boicourt.

An act for the benefit of the widow and children of Samuel Pryor, deceased.

An act for the divorce of Nelson Dyer.

An act to amend the militia law of this State.

Approved January 17, 1840.

An act for the benefit of Eliza L. Bryan.

An act to amend an act, entitled, an act to amend the law as to proceedings against non-resident and absent defendants, and unknown heirs.

An act to authorize the Trustees of the town of Princeton to sell and convey a part of an alley in said town.

An act for the benefit of the heirs of George Pence, deceased.

An act for the benefit of Joseph H. Chrisman, and his securities.

An act for the benefit of the infant children of William Hopkins, deceased.

An act authorizing the present Clerk of the Hickman County Court to record certain deeds.

An act to amend the law in relation to garnishee, by increasing the jurisdiction of Magistrates in such cases.

An act to regulate the militia of the counties of Marion and Washington.

An act for the benefit of the Trustees of the town of Frankfort.

An act for the benefit of William Osborn and Thomas May, and others.

An act for the benefit of William Matthews and John N. Richardson.

Approved January 23, 1840.

Mr. Huston, from the committee of Privileges and Elections, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act to change the place of voting in an election precinct in Ohio county.

An act to repeal the act establishing the Jacksonville election precinct, in Bourbon county.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act to amend an act, entitled, an act to amend the road law in Campbell and Bracken counties.

An act repealing the law declaring the Beech Fork navigable above Ray's mill.

An act declaring Wolf river a navigable stream.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to construct a turnpike road from Burlington to Florence, and for other purposes, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Ballinger, from the same committee, who were directed to prepare and bring in a bill to amend the act to incorporate a Turnpike Road Company from the Poplar Plains, in Fleming county, to Louisa, in Lawrence county, made the following report, viz:

Resolved, That it is inexpedient for the Legislature, at the present session, to commit the Commonwealth to any new subscriptions for the construction of roads.

The question being taken on concurring in the said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rice and Ballinger, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Hughes,	Pratt,
Ballinger,	Huston,	Roberts,
Barlow,	Jasper,	Slaughter,
Burnett,	Johnston,	Sterett,
Clarke,	Morgan, J. S.	Wallace,
Davidson,	Murrell,	Walker, C. J.
De Courcy,	Payne,	Wickliffe,
Guthrie,	Pitts,	Wingate—24.

Those who voted in the negative were—

Mr. Speaker,	Morgan, D.	Walker, J. V.
Messrs. Bradshaw,	Rice,	Weller,
Ford,	Schooling,	Williams—10.
James,		

The following bills were reported, viz:

By Mr. Rice, from the committee of Propositions and Grievances—1. A bill to establish the county of Howard.

By Mr. Ballinger, from the committee of Internal Improvement—2. A bill to amend the charter of the Springfield and Bardstown Turnpike Road Company.

Which bills were each read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,
Ordered, That the said bills be engrossed and read a third time.

The yeas and nays being required on ordering the first bill to be engrossed and read a third time, by Messrs. Guthrie and Sterett, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hughes,	Roberts,
Messrs. Ballinger,	Huston,	Slaughter,
Barlow,	James,	Wallace,
Bradshaw,	Jasper,	Walker, J. V.
Burnett,	Jesup,	Weller,
Clarke,	Morgan, J. S.	Wickliffe,
De Courcy,	Pitts,	Williams—23.
Ford,	Pratt,	

Those who voted in the negative were—

Messrs. Anderson,	Morgan, D.	Schooling,
Davidson,	Murrell,	Sterett,
Dixon,	Payne,	Walker, C. J.
Guthrie,	Rice,	Wingate—13.
Johnston,		

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to open a State road from John Hibbard's, in Clay county, to Prestonsburg, in Floyd county, reported the same without amendment; and the Senate then proceeded to the consideration of the orders of the day.

On the motion of Mr. Johnston, a message was sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the benefit of William Simmons and his committee. The said bill being returned to the Senate, on the motion of Mr. Johnston, the vote by which it was disagreed to, was reconsidered.

Ordered, That the said bill be read a third time.

Mr. James, from the joint committee on Banks, made the following report:

[For the report—see *Appendix*.]

Ordered, That the Public Printer print 150 copies of the said report, and the accompanying documents, for the use of the General Assembly.

The yeas and nays being required on the motion to print said report by Messrs. Guthrie and Murrell, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Jasper,	Roberts,
Messrs. Ballinger,	Jesup,	Schooling,
Barlow,	Johnston,	Sterett,
Bradshaw,	Morgan, D.	Wallace,
Clarke,	Morgan, J. S.	Walker, C. J.
Davidson,	Murrell,	Walker, J. V.
De Courcy,	Payne,	Weller,
Huston,	Pitts,	Wickliffe—25.
James,		

Those who voted in the negative were—

Messrs. Anderson,	Guthrie,	Rice,
Burnett,	Hughes,	Williams,
Ford,	Pratt,	Wingate—9.

Mr. Payne, from the committee on Banks, reported a bill to restore the privileges of the Banks, when they resume specie payments, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was committed to the committee on the Judiciary, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

A bill from the House of Representatives, entitled, an act to allow one additional Justice of the Peace to Whitley county, and for other purposes, being returned to the Senate, on the motion of Mr. Ballinger, the vote by which the said bill was disagreed to, was reconsidered, and the said bill was recommitted to the committee on the Judiciary.

A bill authorizing limited partnerships in this Commonwealth, was ordered to be engrossed and read a third time.

Mr. Barlow, from the committee appointed for that purpose, reported a bill for the benefit of Edwin Land, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wingate, from the committee to whom was referred, a bill for the benefit of the Anderson county Seminary, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

Leave was given to bring in the following bills, viz :

On the motion of Mr. Huston—I. A bill for the benefit of the infant heirs of William Milton, deceased.

2. A bill to incorporate the Spencer county Seminary.

On the motion of Mr. Bradshaw—3. A bill for the benefit of Adam Miller, of Adair county.

On the motion of Mr. Weller—4. A bill for the benefit of the Sheriff of Caldwell county.

The committee on the Judiciary was directed to prepare and bring in the 1st; the committee on Education the 2d; the committee on Finance the 4th, and Messrs. Bradshaw, Wickliffe and James the 3d.

Resolved, That the Senate insist on the amendments proposed by them to a bill from the House of Representatives, entitled, an act giving Justices of the Peace jurisdiction in actions of trespass, and trespass on the case, where the damages are five pounds or under, and that Messrs. Guthrie, Ballinger and Pitts be appointed a committee of conference thereon, on the part of the Senate, and that the House of Representatives be requested to appoint a committee on their part.

Resolved, That the Senate disagree to the amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act to incorporate the Mills' Point House Company.

An engrossed bill, entitled, an act to amend the laws regulating civil proceedings, and for other purposes, was read a third time.

The question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Murrell, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hughes,	Payne,
Messrs. Ballinger,	Huston,	Pitts,
Burnett,	James,	Roberts,
Davidson,	Jasper,	Wallace,
De Courcy,	Morgan, J. S.	Wingate—16.
Guthrie,		

Those who voted in the negative were—

Messrs. Barlow,	Johnston,	Walker, C. J.
Bradshaw,	Morgan, D.	Walker, J. V.
Clarke,	Murrell,	Weller,
Ford,	Schooling,	Wickliffe,
Jesup,	Sterett,	Williams—15.

Resolved, That the title of the said bill be as aforesaid.

An engrossed bill, entitled, an act prohibiting the sale of spirits to and by free persons of color, was read the third, time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall not be lawful for any free person of color to sell or give spirits,

of any kind or description, to slaves; and each and every free person of color, who shall offend against this provision, shall be held a vagrant, and shall, moreover, forfeit and pay fifty dollars, with costs, recoverable by indictment or warrant, before any Justice of the Peace, in the name of the Commonwealth.

SEC. 2. That it shall not be lawful for any person or persons, within this Commonwealth, to sell spirits, of any kind or description, to free persons of color, under the penalty of fifty dollars and costs, for each offence, recoverable by indictment or by warrant, before a Justice of the Peace, in the name of the Commonwealth.

Mr. Murrell moved to lay the said bill on the table until the first day of June next.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Murrell, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Bradshaw,	Pitts,	Walker, C. J.
De Courcy,	Roberts,	Walker, J. V.
Ford,	Schooling,	Weller,
Jasper,	Slaughter,	Wickliffe,
Jesup,	Sterett,	Williams—17.
Murrell,	Wallace,	

Those who voted in the negative were—

Mr. Speaker,	Davidson,	Johnston,
Messrs. Anderson,	Guthrie,	Morgan, D.
Ballinger,	Hughes,	Morgan, J. S.
Barlow,	Huston,	Payne,
Burnett,	James,	Wingate—16.
Clarke,		

Engrossed bills of the following titles were severally read a third time, viz:

An act to establish the Lexington Cemetery.

An act to establish a State road from Hartford to Russellville.

Aa act to amend the 9th section of an act, entitled, an act for regulating the solemnization of marriages, approved February 3d, 1798.

An act authorizing the building of mills and dams upon Trammel's Fork of Drake's creek.

An act to extend and continue in force an act, approved 29th February, 1836, entitled, an act extending, for a certain period, and with certain limitations, the charter of the old Bank of Kentucky.

An act to incorporate the Maysville Athenæum.

An act to establish the town of Lafayette, in the county of Henderson.

An act for the benefit of the Paducah Seminary.

An act to incorporate the Lagrange Seminary, in Oldham county, and for other purposes.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

An engrossed bill, entitled, an act to regulate the County Courts of this Commonwealth, was read the third time, as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Justices of the Peace, in the several counties in this Commonwealth, shall, on the first Monday in July, 1840, and on the first Monday in each succeeding year, select three of their own body as Justices of their respective County Courts, for the succeeding one year. It shall be the duty of the three Justices, so selected in each county of the State, to act as Justices of the County Court of their county; they shall have all the power and jurisdiction vested in the County Courts of this Commonwealth, except as to allowance of claims against the county, and laying the county levy, and the appropriation of the same. Any two of the three shall form a quorum for the transaction of the business of the court. If either of the Justices, so selected, shall fail or refuse to act, or shall resign, or otherwise vacate his office, the remaining two, or one, as the case may be, shall select some other Justice or Justices of the county, to act as Justices of the court, until the County Court shall select some Justice to supply the vacancy for the residue of the year.

SEC. 2. It shall be the duty of the Justices of the County Courts, to cause an alphabetical list of all executorships, administrators and guardianships, to be made out by their respective Clerks, on the first of January, in each year, and to call over the same at each term of their Courts, and see that the regular appraisements, inventories and settlements are made; and when an estate is settled, or a ward is paid the amount in the hands of the guardian, the same shall be stricken from the docket; and for the objects of this section, they shall cause a summons to issue against any executor, administrator or guardian, failing, in proper time, in any of the duties of their office; and they shall have power to enforce the settlement of any estate, whenever, in their judgment, it shall be proper to have the same settled.

SEC. 3. It shall be the duty of the Justices of the County Courts to remain in session until all the business of the court shall be disposed of according to law; and they may continue the court from day to day, or from time to time, as will best suit the business of suitors.

SEC. 4. It shall be the duty of all the Justices of the Peace of the several counties in this Commonwealth, to meet and hold their court of claims, and lay their county levies, and provide for the disbursement of the same, and recommend fit persons as Justices of the Peace and Sheriff, as though this act had not passed; and it shall be their duty to meet on the first Monday in July, 1840, and on the first Monday in July in each succeeding year, and make the selection of the Justices to act as Justices of the County Court for the succeeding one year; and if, from any cause, they shall not meet at any time on such day, it shall be the duty of the Clerk of the court to issue a summons for the Justices to meet on the first Monday of the succeeding month, at which time it shall be as lawful to make the selection: *Provided*, That when any Justice, selected to act as a Justice of a County Court under this act, shall fail or refuse to act, or shall resign, or otherwise vacate his office, the Clerk shall issue a summons to all the Justices of the county

to meet, on a day to be named in the summons, for the purpose of selecting a justice to supply the vacancy.

The question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Wickliffe and Guthrie, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,	Guthrie,	Schooling,
Messrs. Ballinger,	Payne,	Slaughter,
Dixon,	Rice,	Walker, C. J.—9.

Those who voted in the negative were—

Messrs. Anderson,	Huston,	Roberts,
Barlow,	James,	Sterett,
Bradshaw,	Jasper,	Wallace,
Burnett,	Jesup,	Walker, J. V.
Clarke,	Johnston,	Weller,
Davidson,	Morgan, D.	Wickliffe,
De Courcy,	Morgan, J. S.	Williams,
Ford,	Murrell,	Wingate—26.
Hughes,	Pitts,	

An engrossed bill, entitled, an act to repeal an act, entitled, an act to authorize permanent provision for resident females in Kentucky stocks, and guardians to vest the money of their wards in Bank stocks, was read the third time.

Mr. Wickliffe moved to refer the said bill to a select committee.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Wallace, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Clarke,	Rice,	Wickliffe,
Ford,	Walker, C. J.	Williams—8.
Jesup,	Weller,	

Those who voted in the negative were—

Mr. Speaker,	Dixon,	Payne,
Messrs. Anderson,	Guthrie,	Pitts,
Ballinger,	Hughes,	Roberts,
Barlow,	Huston,	Schooling,
Bradshaw,	James,	Sterett,
Burnett,	Jasper,	Wallace,
Davidson,	Johnston,	Walker, J. V.
De Courcy,	Murrell,	Wingate—24.

Resolved, That the said bill do pass, and that the title be amended to read, an act to repeal the sixth section of an act to authorize permanent provision for resident females in Kentucky stocks, and guardians to invest the money of their wards in Bank stocks.

And then the Senate adjourned.

WEDNESDAY, JANUARY 29, 1840.

A message was received from the House of Representatives, announcing that they had received official information that the Lieutenant and Acting Governor had approved and signed enrolled bills and which originated in that House, of the following titles, viz:

An act to amend and reduce into one the several acts regulating the town of Henderson.

An act to incorporate the town of West Liberty.

An act to establish the town of Walton, and for other purposes.

An act further to regulate the duties of the Trustees of the town of Bowlinggreen.

An act for the benefit of Robert McCalla.

An act for the benefit of Thomas P. Moore.

An act giving the several Sheriffs of this Commonwealth further time to return their delinquent lists.

An act for the benefit of David Owen.

Approved January 21, 1840.

An act for the relief of the securities of John L. L. Moore, late Clerk of Simpson county.

An act to establish Marshall College.

An act for the benefit of the Kentucky Baptist Education Society.

An act for the relief of certain citizens of Madison county.

An act for the benefit of Larkin B. Yates.

An act to authorize the Secretary of State to furnish certain books to the Marion County and Circuit Courts.

An act for the benefit of Martha French.

An act for the benefit of the Madison Troop of Cavalry.

An act to establish an election precinct in Bracken county, and for other purposes.

An act to establish an election precinct in Carroll county.

An act to establish an election precinct in Christian county.

An act to change the place of voting in the Bowman precinct in Clay county.

An act establishing the West Point precinct, in Oldham county.

An act to change the place of voting from Greenville C. Alfred's, in Washington county, to William Southerland's, and the place of voting in an election precinct in Floyd county.

An act to change the place of voting at the Kennedy precinct, in Garrard county.

An act for the benefit of John H. Slaughter.

An act for the benefit of Maston Glidewell and Susanna Holebrook.

An act for the benefit of Betty Ann Meadows.

An act to change the place of voting in the North Fork precinct in Morgan county.

An act to change the place of voting at an election precinct in Henderson county.

An act to change the time of holding the Trimble County Court.

An act allowing three additional County Courts to the county of Garrard.

An act to incorporate the town of Lagrange.

An act for the benefit of Patrick Doyle.

An act to allow an additional Constable to the county of Nicholas.

An act to allow an additional Justice of the Peace to the county of Hickman.

An act to allow one additional Constable in Lawrence county

An act to incorporate Pleasant Hill Meeting and School House, in Warren county.

An act to authorize a change of venue in the trial of Buford M. Kuykendall.

An act to amend an act, entitled, an act to extend the powers of the Trustees of the town of Cynthiana, in Harrison county, approved February 12, 1838.

An act to establish election precincts in the counties of Clay and Daviess.

Approved January 23, 1840.

A bill from the House of Representatives, entitled, an act to open a State road from John Hibbard's, in Clay county, to Prestonsburg, in Floyd county, was ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wickliffe moved the following resolution, viz:

Resolved, That Doctor J. N. McDowell have the use of the Senate chamber to deliver his lectures in, for a few evenings, at any time when the Senate is not in session.

The question being taken on the adoption of the said resolution, it was decided in the negative, and so it was rejected.

Mr. Barlow, from the joint committee of Enrollments, reported that the committee had examined enrolled bills and a resolution, which originated in the House of Representatives, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Richard Lucas, Sen'r.

An act for the benefit of William E. Grider.

An act for the benefit of William B. Wallace.

An act for benefit of Catharine J. Lloyd.

An act to incorporate the Georgetown Fire Company.

An act to change the place of voting at an election precinct in Livingston county.

An act to establish the Lexington and Fayette Legion.

An act for the benefit of the Volunteer Company, styled the Lancaster Guard, in Garrard county.

An act for the benefit of the Lunatic Asylum at Lexington.

An act for the benefit of Joseph Shropshire.

An act for the benefit of James Hopwood, and others.

An act to amend an act, entitled, an act for the benefit of the county of Jefferson.

An act for the benefit of John L. Graves.

An act for the benefit of Asa Vanlandingham, late Sheriff of Grant county.

An act allowing an additional Justice of the Peace to Rockcastle county.

An act to incorporate the town of Chiltonsville, in Henry county.

An act to change the time of holding the Circuit Courts for the counties of Simpson, Allen and Warren.

An act allowing further time to the several County Courts of this Commonwealth to furnish a standard of weights and measures.

An act to amend the laws in relation to the town of Lawrenceburg, in Anderson county.

An act to allow an additional Constable to the county of Trigg.

An act to amend an act, incorporating the Paris Fire, Life and Marine Insurance Company.

An act allowing one additional Constable to the county of Jefferson, and for other purposes.

An act for the benefit of the Frankfort Light Infantry, and Franklin Troop of Cavalry.

An act for the benefit of Maston Gore.

An act for the benefit of Joseph McGlothlin.

An act to incorporate the Germantown Academy.

An act to amend the law relating to the Wilderness turnpike road, and adjacent roads leading from same to Goose creek Salt Works.

An act for the benefit of James Sego.

An act legalizing the proceedings of the Court of Assessment of the 16th Regiment of Kentucky Militia, and for other purposes.

An act for the benefit of Nancy Robertson.

A resolution postponing the election of President and Directors of the Bank of the Commonwealth of Kentucky.

And enrolled bills which originated in the Senate of the following titles, viz:

An act providing for the apprehension and detention of fugitives from justice from other States.

An act for the benefit of George Smedley and D. R. Enders.

An act for the benefit of John Gooding.

An act for the benefit of Thomas Glascock.

An act to change the time of holding the Lawrence, Morgan, Pike and Floyd Circuit Courts.

The said bills and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Mr. Ballinger, from the committee on Internal Improvement, to whom was referred a bill requiring the removal of timber from flooded grounds, &c., reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Ballinger, from the same committee, reported a bill concerning the Lexington and Ohio Railroad Company, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the further consideration of the said bill was postponed, and made the order of the day for Monday next.

The Senate proceeded to the consideration of the preamble and resolutions concerning the public lands, read and laid on the table by Mr. Wickliffe on the 24th instant.

Mr. De Courcy offered a substitute for the same.

Mr. Ballinger moved amendments to the said preamble and resolutions.

Mr. Anderson moved to lay the whole on the table until the first day of June next.

The question being taken on the motion of Mr. Anderson, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Payne and James, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Guthrie,	Rice,
Barlow,	Hughes,	Schooling,
Burnett,	James,	Wallace,
De Courcy,	Jasper,	Williams,
Ford,	Pratt,	Wingate—15.

Those who voted in the negative were—

Mr. Speaker,	Morgan, D.	Slaughter,
Messrs. Ballinger,	Morgan, J. S.	Sterett,
Bradshaw,	Murrell,	Walker, C. J.
Clarke,	Payne,	Walker, J. V.
Dixon,	Pitts,	Weller,
Johnston,	Roberts,	Wickliffe—18.

And then the Senate adjourned.

THURSDAY, JANUARY 30, 1840.

A message was received from the House of Representatives, announcing that they had concurred in a resolution, adopted by the Senate, for the adjournment of the General Assembly, with an amendment; and that they had passed a bill, entitled, an act to amend the jury law.

Mr. Payne presented the petition of the President and Council of the city of Maysville, praying for an amendment of their charter, which was received and referred to the committee on the Judiciary.

Mr. Slaughter, from the committee on Agriculture, to whom was referred a bill providing for the establishment of an Agricultural College and School, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The following bills were reported, viz:

By Mr. Johnston, from the committee of Finance—1. A bill for the benefit of David Jones, late Sheriff of Mercer county.

2. A bill for the benefit of thomas H. Ballard.

By Mr. Clarke, from the committee on Education—3. A bill to incorporate the Spencer county Seminary.

By Mr. Bradshaw, from a select committee—4. A bill to establish a town on the land of Adam Miller, in Adair county.

By Mr. Wingate, from a select committee—5. A bill to authorize the County Court of Owen county to change the road from Marion to New Liberty.

By Mr. Wingate, from the committee of Religion—6. A bill for the benefit of Elizabeth Higby.

7. A bill to divorce Elizabeth Penn from her husband, Warner Penn.

8. A bill for the divorce of Granville C. Brown.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the 5th, 6th and 8th bills being dispensed with,

Ordered, That the said bills be engrossed and read a third time.

The constitutional rule as to the second and third readings of the 1st, 2d, 3d, 4th and 7th bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Wingate, from the committee of Religion, to whom was referred the petition of Judge H. Payne, praying for a dissolution of the marriage between him and Mary Ann Riley, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

The question being taken on concurring in the said resolution, it was decided in the affirmative, and so the said petition was rejected.

The yeas and nays being required thereon by Messrs. Sterett and Weller, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hughes,	Schooling,
Messrs. Anderson,	James,	Sterett,
Barlow,	Jesup,	Walker, C. J.
Bradshaw,	Morgan, D.	Walker, J. V.
Clarke,	Morgan, J. S.	Weller,
Davidson,	Murrell,	Wickliffe,
Dixon,	Payne,	Williams,
Ford,	Pitts,	Wingate—26.
Guthrie,	Rice,	

Those who voted in the negative were—

Messrs. Burnett,	Jasper,	Slaughter,
De Courcy,	Johnston,	Tomlinson,
Huston,	Roberts,	Wallace—9.

Mr. Wingate, from the same committee, to whom was referred the petition of Thomas Isbell, praying for a divorce from his wife, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

The question being taken on concurring in the said resolution, it was decided in the negative.

Ordered, That the committee of Religion report a bill pursuant to said petition.

Mr. Clarke, from the committee on Education, to whom was referred a bill to establish the Mechanics' Institute, and Savings Institution of the city of Lexington, reported the same with an amendment, which was amended and concurred in.

The Senate resumed the consideration of the preamble and resolutions concerning the public lands, offered by Mr. Wickliffe on the 24th instant.

Mr. Ballinger withdrew the amendments offered by him.

Mr. Wickliffe moved the following as a substitute for the said preamble and resolutions, viz:

WHEREAS, The Legislature of Kentucky has seen *with surprise*, that a proposition is now pending before the Congress of the United States, to cede, by act of Congress, the public lands to the several States in which they lie. The Legislature of Kentucky feels itself called upon to express its dissent to such a measure, or any other, that either cedes such lands to the States in which they lie, or appropriates them to any use, except such as will result in the general benefit and welfare of the whole of these United States. The lands conveyed to Congress by the State of Virginia, were conveyed in trust for the benefit of all the States, and were conquered from the crown of Great Britain by the common struggle and treasure of all the States, as were all other lands acquired in the revolutionary war. Those acquired since, have been acquired by the common treasure of the whole of the States, and are held by Congress, in like trust, for all the States; and having been so obtained and so held, ought not to be relied on as a fund for the payment of the ordinary expenses of the national government, and thus dissipated without any lasting or permanent benefit resulting to those by whose blood and treasure they were acquired—therefore,

1st. *Be it resolved by the General Assembly of the Commonwealth of Kentucky*, That the public lands of the United States are not, of right, the property of the particular States in which they lie, nor that of the people of such States; and, therefore, the Congress of the United States ought not to cede such lands to such States, or any of them, or to appropriate such lands for any purpose whatever, but in behalf, and for the benefit, of the people of *all* the States.

2d. *Resolved*, That the national debt being now paid off, all moneys arising from the sales of the public lands, after defraying the expenses incident to the sales, ought *to be distributed* among the several States, according to the federal numbers of each State.

3d. *Resolved*, That a copy of the foregoing preamble and resolutions be forwarded, by the Governor, to our Senators and Representatives in Congress; and that our Senators be instructed, and our representatives request-

ed to insist, with all their energies, and to enter their solemn protests against any measure, by which the public lands are to be transferred to the particular States in which they lie, or any appropriation made of them, except for the general benefit of the whole of the United States.

4th. *Resolved*, That a copy of this preamble and resolutions be forwarded, by the Governor, to the President and Vice President of the United States, and, also, to the Governors of each of the other States in the United States, with a request that they should lay them before the respective Legislatures of the said States.

The question being taken on the adoption of the said substitute, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Guthrie and Davidson, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	James,	Slaughter,
Messrs. Ballinger,	Jesup,	Sterett,
Bradshaw,	Johnston,	Walker, C. J.
Clarke,	Morgan, D.	Walker, J. V.
Davidson,	Morgan, J. S.	Weller,
De Courcy,	Murrell,	Wickliffe,
Dixon,	Payne,	Wingate—23.
Huston,	Roberts,	

Those who voted in the negative were—

Messrs. Anderson,	Hughes,	Schooling,
Barlow,	Jasper,	Tomlinson,
Burnett,	Pratt,	Wallace,
Ford,	Rice,	Williams—13.
Guthrie,		

Mr. Guthrie moved to pass over the said preamble and resolutions, as amended, in the orders of the day, and to print 150 copies thereof for the use of the General Assembly.

Mr. Payne moved the previous question. The question being taken, "shall the main question be now put?" it was decided in the negative.

The yeas and nays being required thereon by Messrs. Guthrie and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Davidson,	Payne,
Messrs. Ballinger,	Jesup,	Walker, C. J.
Bradshaw,	Morgan, J. S.	Wickliffe—11.
Clarke,	Murrell,	

Those who voted in the negative were—

Messrs. Anderson,	James,	Slaughter,
Barlow,	Jasper,	Sterett,
Burnett,	Johnston,	Tomlinson,
De Courcy,	Morgan, D.	Wallace,
Dixon,	Pitts,	Walker, J. V.
Ford,	Pratt,	Weller,
Guthrie,	Rice,	Williams,
Hughes,	Roberts,	Wingate—26.
Huston,	Schooling,	

The question was then taken on the motion of Mr. Guthrie to pass over and print the said preamble and resolutions, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. James and Jasper, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Guthrie,	Schooling,
Barlow,	James,	Tomlinson,
Burnett,	Jasper,	Wallace,
De Courcy,	Pratt,	Williams,
Ford,	Rice,	Wingate—15.

Those who voted in the negative were—

Mr. Speaker,	Jesup,	Roberts,
Messrs. Ballinger,	Johnston,	Slaughter,
Bradshaw,	Morgan, D.	Sterett,
Clarke,	Morgan, J. S.	Walker, C. J.
Davidson,	Murrell,	Walker, J. V.
Dixon,	Payne,	Weller,
Hughes,	Pitts,	Wickliffe—22.
Huston,		

Mr. Guthrie moved to amend the second resolution by inserting the word "*not*" before the words "*to be distributed*," printed in italics, and to add to the said resolution these words, viz: "if required for the general charge and expenditure of the nation," so as to make the said resolution read as follows, viz:

2d. *Resolved*, That the national debt being now paid off, all moneys arising from the sale of the public lands, after defraying the expenses incident to the sales, ought *not* to be distributed among the several States, according to the federal numbers of each State, *if required for the general charge and expenditure of the nation*.

Mr. James moved to postpone the further consideration of the said preamble and resolutions until to-morrow.

The question being taken on the motion of Mr. James, it was decided in the negative.

The yeas and nays being required thereon by Messrs. James and Jasper, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Hughes,	Schooling,
Barlow,	James,	Wallace,
Bradshaw,	Jasper,	Walker, J. V.
Burnett,	Johnston,	Weller,
Ford,	Pratt,	Williams,
Guthrie,	Rice,	Wingate—18.

Those who voted in the negative were—

Mr. Speaker,	Jesup,	Roberts,
Messrs. Ballinger,	Morgan, D.	Slaughter,
Clarke,	Morgan, J. S.	Sterett,
Davidson,	Murrell,	Tomlinson,
De Courcy,	Payne,	Walker, C. J.
Dixon,	Pitts,	Wickliffe—19.
Huston,		

The question was then taken on the adoption of the amendment moved by Mr. Guthrie to the second resolution, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Guthrie and Rice, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Hughes,	Schooling,
Barlow,	James,	Tomlinson,
Burnett,	Jasper,	Wallace,
De Courcy,	Pratt,	Williams,
Ford,	Rice,	Wingate—16.
Guthrie,		

Those who voted in the negative were—

Mr. Speaker,	Jesup,	Roberts,
Messrs. Ballinger,	Johnston,	Slaughter,
Bradshaw,	Morgan, D.	Sterett,
Clarke,	Morgan, J. S.	Walker, C. J.
Davidson,	Murrell,	Walker, J. V.
Dixon,	Payne,	Weller,
Huston,	Pitts,	Wickliffe—21.

The preamble was amended by striking out the words "with surprise," in the first line, printed in italics.

A substitute for the said preamble and resolutions, offered by Mr. De Courcy, was decided to be out of order.

The question was then taken on the adoption of the said preamble and resolutions, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Guthrie and Murrell, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,	Jesup,	Roberts,
Messrs Ballinger,	Johnston,	Slaughter,
Barlow,	Morgan, D.	Sterett,
Bradshaw,	Morgan, J. S.	Walker, C. J.
Clarke,	Murrell,	Walker, J. V.
Davidson,	Payne,	Weller,
Dixon,	Pitts,	Wickliffe—22.
Huston,		

Those who voted in the negative were—

Messrs. Anderson,	Hughes,	Schooling,
Burnett,	James,	Tomlinson,
De Courcy,	Jasper,	Wallace,
Ford,	Pratt,	Williams,
Guthrie,	Rice,	Wingate—15.

Mr. Anderson presented the petition of Lewis W. Kirtley, praying for the passage of a law restoring him to the rights and privileges of an unmarried man, his wife being divorced from him and married to another man, which was received and referred to the committee on Religion.

Leave was given to bring in the following bills, viz :

On the motion of Mr. Ballinger—1. A bill for the benefit of Joseph Ballinger.

On the motion of Mr. Pratt—2. A bill to amend the charter of the Cynthiana Fire Company.

On the motion of Mr. Huston—3. A bill for the benefit of the Jailers of Bullitt and Breckinridge counties.

On the motion of Mr. Guthrie—4. A bill to amend an act to establish a Medical Institute in the city of Louisville.

The committee of Finance was directed to prepare and bring in the 1st; the committee on the Judiciary the 2d and 4th, and Messrs. Huston, Sterett and Johnston were appointed a committee to prepare and bring in the 3d.

Mr. Wickliffe, having obtained leave, reported a bill subjecting slaves emancipated, to the payment of debts, and for other purposes, which was read the first time and ordered to be read a second time.

Ordered, That the Public Printer print 150 copies of the said bill for the use of the General Assembly.

And then the Senate adjourned.

FRIDAY, JANUARY 31, 1840.

Mr. Aquilla Young, a member of the Senate from the thirty third Senatorial District, appeared and took his seat.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz :

An act extending the limits of the town of Germantown.

An act to authorize and require the Register of the Land Office to register certain plats and certificates of survey.

An act to amend the several acts to suppress the practice of duelling.

With an amendment to the last named bill.

And that they had passed bills of the following titles, viz :

1. An act to prevent the burning of the woods in certain counties, and for other purposes.

2. An act to alter the time of the setting of the Mercer Circuit Court.

3. An act for the benefit of George M. Craven and wife.

4. An act to regulate the fees of County Court Clerks.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred; the 1st to the committee of Propositions and Grievances, and the 2d, 3d and 4th to the committee on the Judiciary.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz :

An act to change the place of voting in an election precinct in Ohio county.

An act repealing the law declaring the Beech Fork navigable above Ray's mill.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Mr. Wickliffe presented the remonstrance of sundry citizens of Campbell county against the formation of the county of Kenton, which was received and referred to the committee of Propositions and Grievances.

On the motion of Mr. Wickliffe, leave was given to bring in a bill sup-

plemental to an act to establish the county of Kenton, and for other purposes; and the committee of Propositions and Grievances was directed to prepare and bring in the same.

A bill to establish the Mechanics' Institute and Savings Institution of Lexington, was further amended, and ordered to be engrossed and read a third time.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act allowing an additional Justice of the Peace to Carter county, and for other purposes.

An act to allow one additional Justice of the Peace to Whitley county, and for other purposes.

An act allowing an additional Constable to Anderson county.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act allowing additional Justices of the Peace to the counties of Graves and Wayne, reported the same without amendment.

The said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended by adding thereto, "and for other purposes."

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Charles Faulkner, reported the same without amendment.

The Senate proceeded to the consideration of the orders of the day.

An engrossed bill, entitled, an act to amend the several acts concerning the lunatics and idiots of the State, and for other purpose, was read a third time.

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Jasper and Rice, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Anderson,
Ballinger,
Burnett,

Clarke,
Davidson,
Guthrie,
Hughes,

Huston,
Jesup,
Johnston,
Morgan, D.

Morgan, J. S.
Pitts,
Pratt,
Roberts,

Slaughter,
Sterett,
Tomlinson,
Wallace,

Walker, C. J.
Walker, J. V.
Wickliffe,
Wingate—24.

Those who voted in the negative were—

Messrs. Barlow,
Bradshaw,
De Courcy,
James,

Jasper,
Rice,
Schooling,

Weller,
Williams,
Young—10.

Resolved, That the title of the said bill be amended to read, an act to amend the law in relation to idiots and lunatics.

An engrossed bill, entitled, an act to establish the county of Howard, was read the third time.

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Murrell and Weller, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Ballinger,
Bradshaw,
Burnett,
Clarke,
De Courcy,
Ford,
Hughes,

James,
Jasper,
Jesup,
Morgan, J. S.
Pitts,
Roberts,
Slaughter,
Wallace,

Walker, C. J.
Walker, J. V.
Weller,
Wickliffe,
Williams,
Wingate,
Young—23.

Those who voted in the negative were—

Messrs. Barlow,
Davidson,
Dixon,
Guthrie,

Huston,
Johnston,
Morgan, D.
Murrell,

Rice,
Schooling,
Sterett,
Tomlinson—12.

Resolved, That the title of the said bill be as aforesaid.

An engrossed bill, entitled, an act to amend the charter of the Springfield and Bardstown Road Company, was read the third time, and recommitted to the committee of Internal Improvement.

Engrossed bills of the following titles were severally read a third time, viz:

An act for the benefit of the Anderson county Seminary.

An act to amend the charter of the city of Lexington, and for other purposes.

An act to authorize the Owen County Court to change the road from Marion to Nnw Liberty.

An act for the benefit of Elizabeth Higby.

An act for the divorce of Granville C. Brown.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message, in writing, was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

The amendment of the House of Representatives to a resolution from the Senate for the adjournment of the General Assembly, was taken up. The said amendment proposes to strike out "Friday, the 7th," and to insert "the 17th" of February, 1840, as the day of adjournment.

Mr. J. S. Morgan moved to pass the same over in the orders of the day.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Bradshaw and Rice, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Morgan, J. S.	Wallace,
De Courcy,	Murrell,	Walker, C. J.
Guthrie,	Roberts,	Wickliffe,
Huston,	Slaughter,	Williams—14.
Johnston,	Tomlinson,	

Those who voted in the negative were—

Mr. Speaker,	Dixon,	Rice,
Messrs. Ballinger,	Ford,	Schooling,
Barlow,	James,	Sterett,
Bradshaw,	Jasper,	Walker, J. V.
Burnett,	Jesup,	Weller,
Clarke,	Pitts,	Wingate—19.
Davidson,		

Mr. J. S. Morgan moved to amend the said amendment by striking out the "17th," and inserting in lieu thereof the "15th."

Mr. Murrell moved to strike out the "17th" and insert the "20th."

Mr. J. S. Morgan moved to lay the said resolution and amendment on the table for the present.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Jasper and Rice, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Morgan, J. S.	Tomlinson,
Davidson,	Murrell,	Wallace,
De Courcy,	Pratt,	Walker, C. J.
Guthrie,	Roberts,	Wickliffe,
Huston,	Slaughter,	Williams—16.
Johnston,		

Those who voted in the negative were—

Mr. Speaker,	Ford,	Rice,
Messrs. Ballinger,	Hughes,	Schooling,
Barlow,	James,	Sterett,
Bradshaw,	Jasper,	Walker, J. V.
Burnett,	Jesup,	Weller,
Clarke,	Morgan, D.	Wingate—20.
Dixon,	Pitts,	

The question was then taken on the amendment moved by Mr. Murrell, to strike out the 17th and insert the 20th, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Murrell and Wingate, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Murrell,	Tomlinson,
Guthrie,	Pratt,	Wallace,
Johnston,	Roberts,	Wickliffe,
Morgan, J. S.	Slaughter,	Williams—12.

Those who voted in the negative were—

Mr. Speaker,	Dixon,	Pitts,
Messrs. Ballinger,	Ford,	Rice,
Barlow,	Hughes,	Schooling,
Bradshaw,	Huston,	Sterett,
Burnett,	James,	Walker, C. J.
Clarke,	Jasper,	Walker, J. V.
Davidson,	Jesup,	Weller,
De Courcy,	Morgan, D.	Wingate—24.

The question was then taken on the motion of Mr. J. S. Morgan, to strike out the "17th," and insert the "15th," and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Guthrie and Rice, were as follows, viz:

Those who voted in the affirmative were--

Messrs. Anderson,	Johnston,	Slaughter,
Barlow,	Morgan, D.	Tomlinson,
Bradshaw,	Morgan, J. S.	Walker, J. V.
Guthrie,	Murrell,	Wickliffe,
Hughes,	Pratt,	Williams,
Huston,	Roberts,	Young—18.

Those who voted in the negative were—

Mr. Speaker,	Clarke,	Dixon,
Messrs. Ballinger,	Davidson,	Ford,
Burnett,	De Courcy,	James,

Jasper,
Jesup,
Pitts,
Rice,

Schooling,
Sterett,
Wallace,

Walker, C. J.
Weller,
Wingate—19.

Mr. Wallace moved to reconsider the last vote, and the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wingate and James, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Anderson,
Barlow,
Davidson,
Guthrie,
Hughes,
Huston,

Johnston,
Morgan, D.
Morgan, J. S.
Murrell,
Pratt,
Roberts,

Slaughter,
Tomlinson,
Wallace,
Wickliffe,
Williams,
Young—19.

Those who voted in the negative were—

Messrs. Ballinger,
Bradshaw,
Burnett,
Clarke,
De Courcy,
Dixon,

Ford,
James,
Jasper,
Jesup,
Pitts,
Rice,

Schooling,
Sterett,
Walker, C. J.
Walker, J. V.
Weller,
Wingate—18.

Mr. Burnett moved the previous question. The question being taken, "shall the main question be now put?" it was decided in the negative.

The yeas and nays being required thereon by Messrs. James and Ballinger, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Ballinger,
Barlow,
Bradshaw,
Burnett,
Clarke,

Dixon,
Ford,
James,
Jesup,
Johnston,
Morgan, D.

Pitts,
Rice,
Schooling,
Sterett,
Walker, C. J.
Wingate—18.

Those who voted in the negative were—

Messrs. Anderson,
Davidson,
De Courcy,
Guthrie,
Hughes,
Huston,
Jasper,

Morgan, J. S.
Murrell,
Pratt,
Roberts,
Slaughter,
Tomlinson,

Wallace,
Walker, J. V.
Weller,
Wickliffe,
Williams,
Young—19.

Mr. Barlow moved to postpone the further consideration of the said resolution and amendment until Tuesday next.

Mr. Tomlinson moved that the same be postponed until the eighth day of February next.

The question being taken on the motion of Mr. Tomlinson, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Ballinger and Tomlinson, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Murrell,	Tomlinson,
De Courcy,	Roberts,	Wallace,
Morgan, J. S.	Slaughter,	Wickliffe—9.

Those who voted in the negative were—

Mr. Speaker,	Hughes,	Rice,
Messrs Ballinger,	Huston,	Schooling,
Barlow,	James,	Sterett,
Bradshaw,	Jasper,	Walker, C. J.
Burnett,	Jesup,	Walker, J. V.
Clarke,	Johnston,	Weller,
Davidson,	Morgan, D.	Williams,
Dixon,	Pitts,	Wingate,
Ford,	Pratt,	Young—28.
Guthrie,		

The question was then taken on the motion of Mr. Barlow, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Burnett and Rice, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Morgan, J. S.	Tomlinson,
Barlow,	Murrell,	Wallace,
Davidson,	Pratt,	Wickliffe,
Guthrie,	Roberts,	Williams,
Hughes,	Slaughter,	Young—16.
Johnston,		

Those who voted in the negative were—

Mr. Speaker,	Ford,	Rice,
Messrs. Ballinger,	Huston,	Schooling,
Bradshaw,	James,	Sterett,
Burnett,	Jasper,	Walker, C. J.
Clarke,	Jesup,	Walker, J. V.
De Courcy,	Morgan, D.	Weller,
Dixon,	Pitts,	Wingate—21.

The question was then again taken on the motion to strike out the "17th" and insert the "15th," and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wingate and James, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Morgan, D.	Slaughter,
Barlow,	Morgan, J. S.	Tomlinson,
De Courcy,	Murrell,	Wallace,
Guthrie,	Pratt,	Wickliffe,
Hughes,	Roberts,	Young—16.
Huston,		

Those who voted in the negative were—

Mr. Speaker,	Ford,	Schooling,
Messrs. Ballinger,	James,	Sterett,
Bradshaw,	Jasper,	Walker, C. J.
Burnett,	Jesup,	Walker, J. V.
Clarke,	Johnston,	Weller,
Davidson,	Pitts,	Williams,
Dixon,	Rice,	Wingate—21.

At two o'clock, P. M., Mr. Wallace moved that the Senate do now adjourn.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Dixon and Wallace, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Pratt,	Wallace,
Morgan, D.	Roberts,	Wickliffe,
Morgan, J. S.	Slaughter,	Williams—11.
Murrell,	Tomlinson,	

Those who voted in the negative were—

Mr. Speaker,	Ford,	Rice,
Messrs. Ballinger,	Guthrie,	Schooling,
Barlow,	Hughes,	Sterett,
Bradshaw,	Huston,	Walker, C. J.
Burnett,	James,	Walker, J. V.
Clarke,	Jasper,	Weller,
Davidson,	Jesup,	Wingate,
De Courcy,	Johnston,	Young—26.
Dixon,	Pitts,	

The question was then taken on concurring in the amendment proposed by the House of Representatives to the said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Barlow and Rice, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,	Ford,	Rice,
Messrs. Ballinger,	Hughes,	Schooling,
Barlow,	James,	Sterett,
Bradshaw,	Jasper,	Walker, C. J.
Burnett,	Jesup,	Walker, J. V.
Clarke,	Johnston,	Weller,
Davidson,	Morgan, D.	Wingate,
De Courcy,	Pitts,	Young—25.
Dixon,		

Those who voted in the negative were—

Messrs. Anderson,	Murrell,	Tomlinson,
Guthrie,	Pratt,	Wallace,
Huston,	Roberts,	Wickliffe,
Morgan, J. S.	Slaughter,	Williams—12.

On the motion of Mr. Guthrie, the committee on the Judiciary was discharged from the further consideration of the petition of sundry citizens, praying that a road may be opened from Hopkinsville to Smithland.

Mr. Guthrie, from the committee on the Judiciary, reported a bill to exempt the members of the Fire Companies in the city of Maysville from military duty, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Ordered, That the said bill be engrossed and read a third time.

The following bills were reported, viz :

By Mr. Guthrie, from the committee on the Judiciary—A bill to amend the charter of the Cynthiana Fire Company.

A bill to amend an act, entitled, an act further to regulate the Board of Internal Improvement for the counties west of the Tennessee river, approved March 1st, 1836.

A bill for the benefit of the heirs of William Milton, deceased.

A bill for the benefit of the County Court of Russell.

A bill for the benefit of the city of Maysville.

By Mr. Jesup, leave being obtained,—A bill to amend an act, entitled, an act to incorporate the town of Trenton, in Todd county, approved January 13th, 1840.

By Mr. Jesup, from the committee on Military Affairs—A bill for the relief of the securities of Wesley M. Garnett, deceased, and Henderson Murphy.

By Mr. Johnston, from the committee of Finance—A bill for the benefit of Joseph Ballinger.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the following bills, reported the same without amendment, viz:

A bill to amend an act, entitled, an act to amend the laws defining the powers of the Trustees of the town of Newport, approved January 12th, 1830.

A bill to incorporate the Jefferson Literary Society of Augusta College.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. James, from the committee on Banks, to whom was referred a bill to extend the charter of the Bank of the Commonwealth, and to authorize the appointment of a commissioner to close the affairs of said Bank, reported the same with an amendment, which was concurred in, and the said bill was placed in the orders of the day, and the Public Printer directed to print 150 copies thereof for the use of the General Assembly.

On the motion of Mr. J. S. Morgan, leave was given to withdraw the petition of Robert A. Long, and a copy of the will of William Hopkins, deceased.

A resolution to erect a tombstone over the grave of Gabriel Slaughter, late Governor of Kentucky, was twice read and adopted.

The amendment of the House of Representatives to a bill from the Senate, entitled, an act to amend the several acts to suppress the practice of duelling, was twice read and concurred in.

Bills from the House of Representatives of the following titles, were each read the third time, viz:

An act authorizing a change of venue in an action at law, depending in the Pulaski Circuit Court, wherein Rose, a woman of color, is plaintiff, and James T. Curd is defendant.

An act to amend the execution laws of this Commonwealth.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were each read the third time, viz :

An act for the benefit of Hiram F. Cravens.

An act for the benefit of William Simons and his committee.

The question being taken on the passage of the said bills, it was decided in the negative, and so the said bills were disagreed to.

Bills from the House of Representatives of the following titles, were severally read the third time, as amended, viz :

An act to amend the penal laws of this Commonwealth.

An act for the benefit of mechanics in the towns of Bowlinggreen, Russellville and Owensboro'.

An act allowing the Trustees of the town of Newcastle to open an alley.

An act for the benefit of the heirs of William Taylor, deceased.

An act to amend the charter of the Covington Insurance Company.

An act for the benefit of the widow and children of Stephen H. Garton, deceased.

Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of William B. Graves, of Cynthiana, was read the third time, as amended.

Resolved, That the said bill, as amended, do pass, and that the title be amended to read, an act to amend an act for the better regulation of towns, approved February 7th, 1798.

A bill from the House of Representatives, entitled, an act to amend the law regulating the emancipation of slaves, was read the third time, and referred to the committee on the Judiciary.

A bill subjecting slaves emancipated to the payment of debts, and for other purposes, was read the second time, and referred to the committee on the Judiciary.

A resolution directing the Board of Internal Improvement not to close any contract for building lock and dam No. 2, on Barren river, until the further action of the Legislature, read and laid on the table by Mr. Ballinger on the 22d instant, was referred to the committee on Internal Improvement.

A bill appropriating the proceeds of the State's interest to lots in the town of Skilesville to the excavation of water power canal, was, with an amendment offered thereto, referred to the committee of Internal Improvement.

A bill for the benefit of the President, Directors and Company of the Danville, Lancaster and Nicholasville Turnpike Road Company was read as follows, viz :

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the President and Directors of the

Danville, Lancaster and Nicholasville Turnpike Road Company to retain, on loan from the State for the period of two years, commencing on the first of January, 1840, all the dividends which have heretofore accrued, or shall hereafter accrue, up to the end of said period, on the stock of the State in said turnpike road, upon condition that the President, Directors and Company of said road, shall pay interest at the rate of six per cent. per annum on said dividends—the interest to be paid semiannually at the Treasury of the State; and the President, Directors and Company of said road shall, as now directed by law, declare dividends on said road, and report the same to the Auditor's Office, and the interest shall begin to run on the States' share of the dividends when so declared and reported: and, provided, that the whole of the stock, together with the interest of the stockholders in said road, (save the stock and interest of the State,) shall be pledged to the State for the payment of said dividends with the interest as aforesaid.

SEC. 2. That to accept the provisions of this act, it shall be necessary that the President and Directors of said company call a meeting of the stockholders, (except on the part of the State,) upon due and regular notice published of the time, place and object of holding said meeting, at least twenty days previous thereto, in one newspaper published at Danville, and one at the city of Lexington; and if a majority of the stockholders in said company, at said meeting, shall vote for and agree to accept the provisions of this act, their acceptance and agreement shall be entered of record in the books of said company, and a certified copy of said acceptance and agreement of a majority of said stockholders as aforesaid, delivered by the President and Directors of said company to the Auditor, at his office, shall be notice to the Auditor of the agreement to, and acceptance of, the provisions of this act on the part of said company; and the same shall be obligatory and binding upon said company, both in law and equity; and said stock and interest in said road shall be bound for the payment of said dividends with the interest as aforesaid.

The question being taken on engrossing the said bill and reading it a third time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Ballinger and Jasper, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Huston,	Schooling,
Messrs. Clarke,	Johnston,	Slaughter,
Davidson,	Roberts,	Walker, C. J.—10.
De Courcy,		

Those who voted in the negative were—

Messrs. Anderson,	Guthrie,	Sterett,
Ballinger,	Hughes,	Wallace,
Barlow,	James,	Walker, J. V.
Bradshaw,	Jasper,	Weller,
Burnett,	Jesup,	Williams,
Dixon,	Morgan, J. S.	Wingate,
Ford,	Pitts,	Young—21.

Bills from the House of Representatives of the following titles, were severally read the first time, viz :

1. An act for the benefit of the Sheriff of Pendleton county.
2. An act to incorporate the Crab Orchard Seminary, in Lincoln county.
3. An act for the benefit of Rachel Watts, and her children.
4. An act authorizing the Trustees of the Pendleton Academy to loan the funds of the institution upon bonds and obligations.
5. An act to amend the law of descents and distribution.
6. An act to incorporate the Louisville First Ward Lyceum.
7. An act to amend the charter of the Logan, Todd and Christian Turnpike Road Compeny.
8. An act to amend the jury law.

Ordered, That the said bill be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, they were referred; the 1st to the committee of Finance; the 2d and 4th to the committee on Education; the 3d, 5th, 6th and 8th to the committee on the Judiciary, and the 7th to the committee of Internal Improvement.

And then the Senate adjourned.

SATURDAY, FEBRUARY 1, 1840.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz :

An act to amend an act providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of Jurors, approved February 15, 1838, and for other purposes.

An act for the divorce of Samuel Rohrer.

An act for the benefit of the Sheriff of Hickman county.

And that they had passed bills of the following titles, viz :

1. An act to reduce the salaries of the Engineers of this State, and for other purposes.
2. An act for the benefit of the securities of Alfred L. Hargis, late Sheriff of Christian county.
3. An act for the benefit of veniremen and jurors in certain cases.
4. An act for the benefit of Ann Cable.
5. An act for the benefit of David Jameson.

6. An act for the benefit of Nancy Turner.
7. An act for the benefit of Elizabeth Ward.
8. An act for the benefit of Emely Henry.
9. An act for the benefit of Gabrella Mathews.
10. An act for the benefit of James and Keziah Rogers.
11. An act for the benefit of William B. Parker, late Sheriff of Lewis county.
12. An act to amend an act concerning the laying and collecting the county levy of Fayette, approved February 25th, 1836.
13. An act for the benefit of the Sheriff of Harrison county.
14. An act for the benefit of the heirs of William Winslow, late Clerk of the Gallatin Circuit Court.
15. An act for the benefit of the Sheriff of Lewis county.
16. An act for the benefit of the Lexington and Georgetown Turnpike Road Company.
17. An act for the benefit of John Blankenship.
18. An act for the benefit of the Sheriff of Oldham county.
19. An act to repeal all laws authorizing the Sheriffs of this Commonwealth to return delinquent lists.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred; the 1st and 16th to the committee on Internal Improvement; the 2d, 11th, 12th, 13th, 14th, 15th, 17th, 18th and 19th to the committee on Finance, and the 4th, 5th, 6th, 7th, 8th, 9th and 10th to the committee on Religion.

A bill from the House of Representatives, entitled, an act for the benefit of Charles Faulkner, was placed in the orders of the day.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

1. An act to regulate the fees of County Court Clerks.
2. An act to incorporate the Louisville First Ward Lyceum.
3. An act to amend the jury law.
4. An act for the benefit of the Jailer of Hancock county.
5. An act to amend the law limiting actions for the recovery of land by females and their heirs.

Reported the same with amendments to each—which were concurred in, except the amendment to the last named bill.

Ordered, That the 1st, 2d, 3d and 4th bills be read a third time, as amended.

The 5th was placed in the orders of the day.

The constitutional rule as to the third reading of the second bill being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by striking out "First Ward," and inserting in lieu thereof "Franklin."

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act to alter the time of the sitting of the Mercer Circuit Court.

An act to amend an act, entitled, an act to establish the Southern Bank of Kentucky, approved February 20th, 1839.

The second was placed in the orders of the day.

Ordered, That the first bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the first bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Guthrie, from the committee on the Judiciary—1. A bill for the benefit of the infant children of Harrison Hearn.

By Mr. Rice, from the committee on Propositions and Grievances—2. A bill to reduce into one the several acts concerning the running and marking the division lines between Washington and Marion counties.

Also—3. A bill for the benefit of Hiram Phillips.

By Mr. Wingate, from the committee on Religion—4. A bill for the divorce of Thomas Isbell.

By Mr. Slaughter—5. A bill to authorize the erection of toll gates on the turnpike roads from Bardstown and Louisville to the Tennessee line, and for other purposes.

By Mr. Roberts—6. A bill to amend the execution laws of this Commonwealth, and for other purposes.

By Mr. Johnston, from the committee of Finance—7. A bill for the benefit of the Sheriff of Livingston county.

By Mr. Huston—8. A bill for the benefit of the Jailers of Bullitt and Breckinridge counties.

By Mr. Guthrie—9. A bill to amend an act to establish a Medical Institute in the city of Louisville.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 5th was referred to the committee on Internal Improvement; the 6th to the committee on the Judiciary; the 9th to the committee on Education, and the 3d was ordered to be engrossed and read a third time.

The yeas and nays being required on ordering the third bill to be en-

grossed and read a third time, by Messrs. Clarke and Jasper, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Johnston,	Wallace,
Burnett,	Murrell,	Walker, J. V.
De Courcy,	Pitts,	Weller,
Dixon,	Pratt,	Wickliffe,
Ford,	Roberts,	Williams,
Jasper,	Tomlinson,	Young—19.
Jesup,		

Those who voted in the negative were—

Mr. Speaker,	Hughes,	Schooling,
Messrs. Ballinger,	Huston,	Sterett,
Bradshaw,	Morgan, D.	Walker, C. J.
Clarke,	Morgan, J. S.	Wingate—14.
Davidson,	Rice,	

The constitutional rule as to the second and third readings of the 1st, 2d, 4th, 7th and 8th bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Rice, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of Perry and Clay counties, praying a change in the lines of the counties of Clay and Perry, and the counties of Breathitt and Perry, reported the same with the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Rice, from the same committee, to whom was referred the petition of sundry citizens of Green county, praying for a division of the same, reported the same with the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Engrossed bills of the following titles were severally read a third time, viz:

An act to establish the Mechanics' Institute and Savings Institution of Lexington.

An act to exempt the members of the Fire Companies in Maysville from militia duty.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the resolution requiring information from the officers of the Bank of Kentucky, and resolutions for a forfeiture of the charters of the Banks in Kentucky, upon certain conditions, be laid on the table.

Mr. Tomlinson, from the committee appointed to examine the Deaf and Dumb Asylum, made the following report, viz:

The Joint Committee of the Senate and House of Representatives, appointed to visit the Deaf and Dumb Assylum at Danville, and examine its condition, together with its resources, have performed that duty, and beg leave to report:

The committee, during the recess, repaired to Danville, and personally examined the pupils, the condition of the buildings, and, in fact, so far as practicable, they examined every thing connected with the institution. They were highly gratified at the progress which the pupils have made, and regard the benevolence, which induced the Legislature to found this institution, as having been most happily directed. The appropriation as now made by the State is ample, as, at no time, has there been a sufficient number of scholars to employ all the means now annually appropriated. This institution is redeeming from utter and profound ignorance a most unfortunate class of our citizens, instructing them not only in the elementary principles of education, such as writing, geography and astronomy, but in morals and religion; and the committee have only to regret that the bounty of the State is not fully absorbed. From the best information, which the committee have, there seem to be about four hundred mutes in the State of Kentucky, most of whom are in indigent circumstances, yet, from this number, only nineteen scholars have been presented at the institution during this year! Some suppose that the reason, which has the greatest influence in producing this result, is the pride of the parents; that they are unwilling to see their children the recipients of the State's bounty or its charity, and would prefer seeing them ignorant and independent rather than throw them upon the charity of the State. The committee have come to a different conclusion on this subject, and believe that one of the principal causes which has operated to diminish the scholars, is a want of proper information in relation to the benefits which must inevitably result from sending their children to the Assylum, and we take this occasion to say, that there is no discrimination made between those who are supported by their friends, and those denominated State scholars. They all receive instruction alike, and are fed at the same table, and the rich and the poor are upon perfect equality.

The committee would urge upon the friends of education, of philanthropy, and of religion, to exert themselves for this institution, as one of the means, which, if properly directed and supported, would do incalculable good in a *religious* point of view. Merely teaching the various branches of a common education, though of vast importance, includes, after all, but a small part of that discipline which all require. This may be done almost mechanically, and the best powers of the mind remain undeveloped. Knowledge of certain kinds is indeed acquired, and, perhaps, treasured in memory; but unless the mind be thoroughly disciplined, so that its powers may be called forth, and used at pleasure, unless the various faculties are exercised, and brought out in due proportions, and made vigorous and strong by action, the most important object of the teacher fails of accomplishment, and the pupil becomes a kind of human machine, by means of education, falsely so called. A mind thus trammelled by faulty instruction, may be discouraged or disgusted, and unless endowed with superior natural powers, may never have the resolution to rouse itself to independent effort. Genius will often break down every barrier, and like a daring *courser* rush at full speed to the highest point of distinction. It is the duty of those who teach, to act pos-

itively, and allure the mind to effort; to make the way of knowledge easy and pleasant; to implant, if possible, a love for its acquisition, both for its own sake, and for the sake of those great practical and moral duties, to the performance of which all rational minds are directed by their creator.

Education is not confined to the intellect alone, it has to do with the heart, the affections of our nature, the moral character, the religion of its object. This is indeed the most important department of its labors, for the influence exerted here extends through the entire being of the undying spirit. We all acknowledge the importance of fitting the mind for active usefulness; but who can appreciate the benefit resulting from leading out the spirit to the contemplation of our Creator, our God, our Saviour.

The committee could enlarge upon this all important subject; they feel that the object of this school has not been fully appreciated, and would regard, that they had done some service, if they be able to produce any feeling in favor of an institution, which they regard as so beneficial to the country, to society, and religion. For the purpose of presenting this institution fairly before the country, together with its finances, the committee propounded the following interrogatories, which, we hope, will give all the information which the Legislature or the country desire on the subject.

J. A. TOMLINSON, *Chm. of Senate Com.*

J. W. IRWIN, *Chm. H. R. Com.*

DANVILLE,
December 27, 1839. }

SIR:

I proceed to answer the questions concerning the Deaf and Dum Asylum, which the Select Committee, appointed by the Legislature, to examine the institution, has presented. Some of the interrogatories I shall have to answer approximatively, not having the documents at hand to refer to for dates and numbers. I presume, however, the responses will be sufficiently accurate for all the purposes of the committee.

QUESTION 1.—When was the Deaf and Dumb Asylum incorporated?

ANSWER.—In the winter of 1822.

QUESTION 2.—What amount of money has been appropriated by the Legislature for the building and ground?

ANSWER.—The grounds of the institution and the original building on them, which is now occupied by the Superintendent and female part of the Assylum family, cost about five thousand dollars, three thousand dollars of which were derived from the State by an appropriation in 1824 or 1825.

QUESTION 3.—How many students have been instructed in the Assylum since its establishment, and what number of them have been State scholars?

ANSWER.—The whole number received into the institution since its commencement including those now in it, has been one hundred and forty, eighty nine of whom have been supported by the State.

QUESTION 4.—What number of years are allowed, by law, for the State scholars to remain at school, and what length of time was each student instructed?

ANSWER.—The time allowed by law, to the pupils supported by the State, is five years, the same time usually allowed by other States which support

their indigent deaf and dumb. The number of twenty five pupils, which the law allows to be received at one time, has never yet been filled. Great apathy and negligence prevail with many of the parents of these unfortunate class of persons which all our efforts have never been able, successfully, to remove, so that the benevolence of the State has never yet, to its full extent, been realized. As a detailed answer to the latter part of the question would be tedious, and perhaps unprofitable, I will answer it as by agreement with you, in the general. Most of the State pupils have remained from three to five years, and have always constituted the largest portion of the talent and intelligence of the institution.

QUESTION 5.—How many mutes do you suppose there are in the State of Kentucky from the best information you have, and in what proportion to the population do you find deaf and dumb persons?

ANSWER.—I have not at hand the census of the deaf and dumb as ascertained at the last general census; but I suppose the whole number to be near four hundred. The proportion to the whole population varies in different countries, and in different districts of the same country. The ratio has been commonly estimated at one to about two thousand.

QUESTION 6.—What is the present estimated value of the buildings and ground attached to the institution?

ANSWER.—Their cost has been about fifteen thousand dollars; all of which has been paid by the institution from the proceeds of the donation of land from Congress, except the above mentioned three thousand dollars appropriated by the Legislature in 1824 or 1825, to aid in building.

QUESTION 7.—In what year did Congress make a donation of land to the Asylum; what amount of it has been sold; how much received from said sale; how much is still due, and how much unsold, with amount paid to the agent, who has the management of the same?

ANSWER.—The donation from Congress was made on the 5th of April, 1826, I believe; it consisted of a township of land, which has been located in Florida. The amount sold up to the 24th of June, 1839, as reported by our agent, was about nineteen thousand acres, and the aggregate amount of sales, including interest, about eighty five thousand dollars, leaving between three and four thousand acres unsold. In a subsequent communication he informs us that he has sold four or five hundred acres more. The remainder yet unsold is of inferior quality, and lies in detached parcels. Our agent has directions to sell it as soon as he can advantageously. Owing to the deranged state of the exchanges, he has been unable to transmit any funds this season. The amount which has been received, is about twenty one thousand dollars. He is to receive five per cent. for collection. Some salaries have also been paid to former agents.

QUESTION 8.—How many institutions for the instruction of deaf and dumb persons are there in the United States?

ANSWER.—There are five organized institutions for deaf mutes in this country: one in the States of Connecticut, New York, Pennsylvania, Ohio, and Kentucky, each.

QUESTION 9.—What are the salaries of the different officers and professors of the Asylum?

ANSWER.—There are two Instructors, the Principal and Assistant, who receive per annum nine and eight hundred dollars, respectively. The Secretary and Treasurer each receive a small salary of twenty five and fifty

dollars. The Instructors in this institution do much more labor than is performed by Instructors in any other institution in this country. They instruct, each, two classes, while, in other institutions there is an Instructor to each class. By the arrangement and method of instruction pursued here, we are unable to do this with little or no loss of improvement to our pupils, though it involves great additional labor. The saving to the institution, yearly, is the salaries of two Instructors.

QUESTION 10.—Have most of the pupils who have left the institution, been able to read and write, and what effect has their education had upon their moral and religious character?

ANSWER—The degree of improvement made by each pupil is very various, depending upon the combined effect of native talent and industry. As a general thing, those who have remained as much as two years and over, as the great proportion of the State pupils have done, have learned to read and write to a degree available in their intercourse with their fellow man, and many of them with great readiness and facility, besides acquiring a great mass of miscellaneous information on all subjects calculated to develop their minds. The great object in their instruction, is to impart a knowledge of written language. The language taught is, however, made the vehicle of as much useful truth and knowledge as can be embodied. Every sentence is made to impart, if possible, either instruction or amusement. Grammar is taught, practically, throughout the course, from the beginning. Considerable attention is paid to geography, astronomy, arithmetic, and the history of our own country, with its form of government, and to many other subjects in science, arts and history, occasionally and incidentally. Constant, assiduous, and anxious attention is bestowed on the moral and religious instruction of the pupils, and with the most gratifying and happy success in general. Obligation and responsibility to a superior Being, who created, preserves and governs all, is made the foundation of practical morals, and a sense of his presence is constantly inculcated as the preservation of rectitude and the support and consolation of human infirmity.

As far as we have been able to ascertain, our pupils, after leaving school, have made good, industrious and useful members of society—practically and conspicuously evincing the benefits of the Institution, and the wisdom and benevolence of the State in its establishment. The amount of consolation which has been carried to the hearts of the parents of the unfortunates, is incalculable.

Particular attention is given to the female pupils. They are, at all times, under the immediate care of the Asylum family, and are lodged in a building separate, and at some distance, from that occupied by the males.

A few remarks, in conclusion, on the method and process of instructing deaf mutes, may not be uninteresting to the committee. The first thing to be taught a mute, when he enters the institution, is, as with other children, the alphabet. This is done by manual signs, consisting of various positions of the fingers and hands, which serve to the mute as the means of discriminating the written letters, equally as well as the names or sounds of the letters, do to the child, who can articulate. The mute never, of course, learns the sounds of the letters, nor is it at all necessary he should, if it were possible. Some vague idea of a mysterious connection between sound and sense, generally entertained, produces the difficulty of perceiving the practicability of instructing a person deprived of the sense of hearing. But sounds and

ideas conveyed by them have no natural connection, as is manifest by the existence of different languages, conveying the same idea by the most different sounds.

When the deaf mute has learned thus to discriminate the letters, and can form them on a slate with a pencil, which is very commonly the acquisition of a day, at most, of a few days, he is presented with a sensible object or its picture, for example a *hat*. The name is written on his slate, and he is taught to spell it on his fingers, h-a-t. He then forms an indelible association between the written name *hat*, and the object or the sign which he substitutes for the object itself. Now, though he has, and can have no knowledge of the sound of either of the three letters, composing this word, or of their combined sound; yet it is plain that whenever the written word is seen by him, the associated sign, object, or idea, represented by the word, immediately arises in his mind, as intelligibly and clearly as in our own. *Ex uno disce omnes.* As soon as a small vocabulary of words has been acquired the pupil is taught to combine them in short sentences. These are gradually lengthened and made to embrace more difficult forms of construction as he proceeds, until he is able to connect sentences into paragraphs, and paragraphs into an extended composition. Several terms are taught in conformity with their philosophy. An analysis is given of the general word, as for example, of quadruped—horse, dog, cow, elephant, lion, deer, bear, &c., then a general sign, is made for the word, designating, after it has been carefully pointed out, the general property in which all these different species agree, to-wit, in having four feet. And so all other general terms are taught. By the principle of analyzing and generalizing signs, the meaning of all general terms, embracing as they do, so large a portion of language, may be easily and clearly communicated to deaf mutes. This principle as plain and simple, and philosophical as it appears, has not always been perceived or practised upon by instructors of the deaf and dumb. It is a fundamental one, and when clearly grasped by the mind, makes the *science* and *art* of instructing deaf mutes comparatively easy. Without it, their instruction sinks into a mere art of dextrous pantomime, and has no pretension to a science whatever. The language of signs is a labyrinth, through which the thread of this leading principle will surely and infallibly conduct the student of the mimetic science. Without it, he will find himself involved in an almost hopeless chaos of particular signs; in an endless exercise of his invention and memory, without any guide to the one, or memento to the other.

I am with great respect yours, &c.

J. A. JACOBS,

Principal of Kentucky Asylum of Deaf and Dumb.

DR. TOMLINSON,

Chm. of Committee.

[The two following pieces of composition, by one of the mutes, was handed to the committee.]

AN ACCOUNT OF THE SOLAR SYSTEM.

The Solar System consists of the Sun and eleven Planets with their Moons. The planets are several large globes, which are called Mercury, Venus, the Earth, Mars, Vesta, Juno, Pallas and Ceres, Jupiter, Saturn, and Herschel. They revolve round the sun.

Mercury is much nearer to the sun than either of the others. Its distance is 37 millions of miles. It revolves on its axis in 24 hours, and revolves round the sun in 88 days. Its diameter is 3,000 miles.

Venus is the most beautiful of all the planets. It is almost as large as the earth. Its distance is 68 millions of miles from the sun, and revolves on its axis in a little less than 24 hours, and revolves round the sun in $7\frac{1}{2}$ of our months. Venus's orbit is without the earth's orbit, or further from the sun.

The Earth is a large globe, that is a planet, on which we live. It turns round from west to east, on its axis, in 24 hours, which is called a day; also, it goes round the sun once, which is called a year. The sun gives its light to the earth. It shines on the earth, while the earth turns round. The earth moves around the sun once in a year. Its distance is 95 millions of miles from the sun, and its diameter is 8,000 miles.

The Moon is a planet which belongs to the earth. Mercury and Venus have no moons. The beautiful moon gives us so sweet light in the night. Its distance is 24,000 miles from the sun. It receives light from the sun and reflects it to us.

Mars is further from the sun than our earth. Its distance is 144 millions of miles, and revolves round the sun in two years. It revolves on its axis in 25 hours. Its diameter is 4,300 miles. It has no moon.

Vesta, Juno, Pallas and Ceres, are too small planets, which we know little of. Vesta is 223 millions of miles; Juno is 253 millions, and Pallas and Ceres are 265 millions of miles from the sun.

Jupiter is a larger globe than the others. Its distance is 490 millions of miles from the sun. Its diameter is 89,170 miles. It revolves round the sun in about 12 of our years and it revolves on its axis in 10 hours. It has four moons.

Saturn is a wonderful planet. Its distance is 900 millions of miles, and revolves round the sun in about 30 of our years. It revolves on its axis in 10 hours. Its diameter is 79,000 miles. It has two rings, which surround it. It has seven moons.

Herschel is the most distant from the sun of all the planets. Its distance is 1,800 millions of miles from the sun. Its diameter is 35,000 miles, and it revolves round the sun in about 84 of our years. It is very cold and dark, because of its immense distance from the sun. It has six moons.

THE SUN.

The sun is a large, luminous, central globe, which gives light and heat to the solar system. The sun is the most glorious of all planets and stars; it is called the King of day. It is perhaps more than a million times as large as the earth. Its distance is 95 millions of miles from the earth. Its diameter is 860,000 miles. The sun appears to be so small, because it is so far from us. The sun appears to move round the earth every day, but it does not really. The sun turns on its axis once in $25\frac{1}{2}$ days.

If there were no sun, we would never see anything, nor walk about, nor work. Now, how do you think there came to be the sun and moon? God thought that it was best to have these things; therefore, he made too great lights, and he divided the light from dark. Our Heavenly father made the sun to give light by day, and the moon by night. The sweet night gives us to be happy, to sleep all night from toiling.

He shines over all the world. The beautiful and glorious sun shines upon every thing, and upon the rivers, which look sparkling and bright. When it has finished raining, then the sun shines very beautiful and gives us warmth. He shines upon the fields and the gardens, which would grow; he makes the fruit ripen, and the grain ripen.

When in the winter, the sun hides its warmth, we have with intense cold and disagreeable weather, but we can keep warm in the house. We have comfort when we approach near the fire.

The sun rules over all the world. He is the Lord of day; the moon gives us light in the night. She never scorches us, and she is mild and gentle. She is the Queen of night. She is more beautiful than the sun, because he makes us work hard all day; but she never does, she appears to be merciful to us, when we have worked, and lets us go to bed to rest.

LUCINDA A. PHILLIPS.

February 1, 1839.

Ordered, That the Public Printer print 1500 copies of the said report for the use of the General Assembly.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill to amend the charter of the Springfield and Bardstown Turnpike Road Company, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Ballinger, from the same committee, to whom was referred the leave to bring in a bill to incorporate the Caldwell and Livingston Turnpike Road Company, and the leave to bring in a bill to repeal the law establishing an inspection at Cleaveland's Landing, in Fayette county, asked that the committee be discharged from the further consideration of the same, which was accordingly done.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a railroad between the said city and river, reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. Johnston, from the committee of Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Pendleton county, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Johnston, from the same committee, to whom was referred a bill for the benefit of Levi Giles, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. James—1. A bill providing the same compensation for grand jurors, as is now allowed by law to the petit jurors of this Commonwealth.

On the motion of Mr. Roberts—2. A bill to repeal all laws, and parts of laws, establishing the General Court, and for other purposes.

On the motion of Mr. Guthrie—3. A bill discontinuing the State road between W. H. Hawkin's and New Market, on the road from Lexington to Nashville.

Also—4. A bill to authorize the Governor to offer rewards for the apprehension of Felons in certain cases.

The committee of Finance was directed to prepare and bring in the 1st; the committee on the Judiciary the 2d and 4th, and the committee of Internal Improvement the 3d.

And then the Senate adjourned.

MONDAY, FEBRUARY 3, 1840.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, to wit:

An act to amend the penal laws of this Commonwealth.

An act to amend the charter of the Covington Insurance Company.

An act for the benefit of William B. Graves, of Cynthiana.

An act for the benefit of the widow and children of Stephen H. Garton, deceased.

An act for the benefit of mechanics in the towns of Bowlinggreen, Russellville and Owensboro'.

An act allowing additional Justices of the Peace to the counties of Graves and Wayne.

An act allowing the Trustees of the town of Newcastle to open an alley.

An act for the benefit of the heirs of William Taylor, deceased.

An act for the benefit of the Sheriff of Todd county.

That they had passed bills which originated in the Senate, of the following titles, viz:

An act to change the place of voting at an election precinct in Perry county, and to establish a new precinct in said county.

An act to establish an election precinct in Owen county.

An act for the benefit of the Anderson county Seminary.

An act to authorize the Owen County Court to change the road from Marion to New Liberty.

An act to amend an act to incorporate the town of Trenton, in Todd county, approved January 13th, 1840.

And that they had concurred in the resolution from this House, directing a tombstone to be placed over the grave of James Clark, late Governor of Kentucky; and a resolution to erect a tombstone over the grave of Gabriel Slaughter, late Governor of Kentucky.

And that they had passed bills of the following titles, viz:

1. An act for the benefit of Randolph Robinson, and others.

2. An act allowing additional Constables to Marion, Rockcastle, Oldham and Pulaski counties, and to change a Constable's district in Russell county.

3. An act to establish a seminary of learning in Morgantown, and for other purposes.

4. An act to appoint Commissioners to close the concerns of the Shepherdsville Bank.

5. An act to regulate the number of Justices of the Peace for Campbell county.

6. An act to establish the town of New Boston, in Daviess county, and to increase the powers of the Trustees of the town of Monticello.

7. An act for the benefit of Mary Ann Winebrenner.

8. An act to authorize the County Court of Breathitt to raise funds for the erection of their public buildings, and for other purposes.

9. An act to amend the several acts incorporating the town of Williamstown, and for other purposes.

10. An act to repeal all laws declaring the little Obion, in Hickman county, a navigable stream above McCloud's Bluffs.

11. An act for the benefit of the heirs of John Roney.

12. An act to provide for paying the expense of keeping prisoners, previous to and pending their examination before Justices of the Peace.

13. An act to amend the law in relation to ferries on Cumberland and Tennessee rivers, in Trigg county.

14. An act to amend an act, entitled, an act to amend the act further to regulate the Wilderness turnpike road, approved January 27th, 1838.

15. An act to change the time of holding the Oldham County Court.

16. An act to repeal an act incorporating the town of Brownsborough.

17. An act to equalize the salaries of the Circuit Judges of this Commonwealth.

18. An act to amend an act to incorporate the Trenton Female Academy, in Todd county.

19. An act to amend an act, entitled, an act to incorporate the Bowling-green Life, Fire and Marine Insurance Company.

20. An act for the benefit of James C. Sprigg and others.

21. An act for the benefit of Hermandy Cutler.

22. An act for the benefit of Joseph Washington.

23. An act concerning the General Court.

24. An act to tax corporations.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred; the 1st, 2d, 4th, 5th, 6th, 9th, 12th, 13th, 15th, 16th, 19th, 22d and 23d to the committee on the Judiciary; the 3d and 18th to the committee on Education; the 7th and 21st to the committee on Religion; the 8th, 11th and 24th to the committee on Finance; the 10th and 14th to the committee on Internal Improvement; the 17th to a committee of Messrs. Payne, D. Morgan, Pratt, Wallace and De Courcy, and the 20th to the committee on Military Affairs.

1. Mr. Wingate presented the petition of sundry females of Owen county.

Also—2. The petition of sundry citizens of Owen county, praying for the repeal of all laws for licensing the retail of spirituous liquors.

3. Mr. Guthrie presented the petition of the city of Louisville for an additional appropriation for the support of the Louisville Marine Hospital.

4. Mr. Pitts presented the petition of Philip F. Jones, praying the passage of a law to enable him to perfect the title to the land on which he resides.

5. Mr. C. J. Walker presented the petition of John Martin, praying for compensation for his trouble and expenses in pursuing a fugitive from justice.

Which were received and referred; the 1st and 2d to the committee of Religion; the 3d and 5th to the committee of Finance, and the 4th to the committee on the Judiciary.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to allow an additional Justice of the Peace in Pendleton county, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Rice, from the committee of Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to prevent the burning of the woods in certain counties, and for other purposes. reported the same without amendment. The said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Rice, the committee of Propositions and Grievances was discharged from the further consideration of the remonstrance of sundry citizens of Campbell county against the formation of the county of Kenton.

Mr. Wingate, from the committee of Religion, to whom was referred bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of Nancy Turner.
2. An act for the benefit of Emely Henry.
3. An act for the benefit of Ann Cable.

Reported the same with the opinion of the committee that they ought not to pass.

The first was referred to the committee of Religion.

The question being taken on reading the 2d and 3d bills a third time, it was decided in the negative, and so the said bills were disagreed to.

Mr. Wingate, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of David Jameson.

An act for the benefit of James and Keziah Rogers.

Reported the same with the opinion of the committee that they ought not to pass.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Wingate, from the same committee, to whom was referred, bills from the House of Representatives of the following titles, viz:

An act for the benefit of Elizabeth Ward.

An act for the benefit of Gabrella Mathews.

Reported the same without amendment. The first was amended.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills, the first as amended, do pass, and that the title of the first be amended by adding thereto, "and Rebecca B. Stone," and that the title of the second be as aforesaid.

Mr. Clarke, from the committee on Education, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act authorizing the Trustees of the Pendleton Academy to loan the funds of the institution upon bonds and obligations.

An act to incorporate the Crab Orchard Seminary, in Lincoln county.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Jasper, the petition of sundry citizens of Pulaski county, praying a part of said county may be added to the county of Rockcastle, and a petition counter thereto, were withdrawn.

The following bills were reported, viz:

By Mr. Guthrie, from the committee on the Judiciary—1. A bill to amend the law as to civil proceedings.

By Mr. Rice, from the committee on Propositions and Grievances—2. A bill supplemental to an act to establish the county of Kenton, and for other purposes.

Which bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the second, and second and third readings of the first being dispensed with, and the same being engrossed, the second was recommitted to the committee of Propositions and Grievances.

Resolved, That the first bill do pass, and that the title thereof be as aforesaid.

An engrossed bill, entitled, an act providing for the establishment of an Agricultural College and School, was read the third time, and amended by way of engrossed ryder.

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Burnett and Rice, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Anderson,
Ballinger,
Barlow,
Clarke,
Davidson,
Ford,
Guthrie,

Hughes,
Huston,
Jesup,
Morgan, D.
Morgan, J. S.
Murrell,
Payne,
Pratt,

Roberts,
Slaughter,
Sterett,
Tomlinson,
Wallace,
Walker, C. J.
Walker, J. V.
Wingate—24.

Those who voted in the negative were—

Messrs. Bradshaw,	Johnston,	Weller,
Burnett,	Pitts,	Wickliffe,
De Courcy,	Rice,	Williams,
James,	Schooling,	Young—13.
Jasper,		

Resolved, That the title of the said bill be as aforesaid.

An engrossed bill, entitled, an act for the benefit of Hiram Phillips, was read the third time.

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Jasper and Burnett, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Barlow,	Jasper,	Wallace,
Burnett,	Jesup,	Walker, J. V.
De Courcy,	Johnston,	Weller,
Dixon,	Pitts,	Williams,
Ford,	Roberts,	Young—17.
James,	Tomlinson,	

Those who voted in the negative were—

Messrs. Ballinger,	Hughes,	Rice,
Bradshaw,	Huston,	Sterett,
Clarke,	Morgan, D.	Walker, C. J.
Davidson,	Morgan, J. S.	Wingate—14.
Guthrie,	Payne,	

Resolved, That the title of the said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a railroad between the said city and river, was read the third time.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were each read the third time, as amended, viz :

An act to amend the jury law.

An act for the benefit of the Jailer of Hancock county.

Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to regulate the fees of the County Court Clerks, was read the third time, as amended, and recommitted to the committee on the Judiciary.

A bill to extend the charter of the Bank of the Commonwealth of Kentucky, and to authorize the appointment of a Commissioner to close the affairs of said Bank, was amended and ordered to be engrossed and read a third time.

The constitutional rule as to the third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of Charles Faulkner, was ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ballinger and Davidson, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Jesup,	Wallace,
Barlow,	Johnston,	Walker, J. V.
Bradshaw,	Pitts,	Weller,
Burnett,	Roberts,	Williams,
James,	Schooling,	Young—16.
Jasper,		

Those who voted in the negative were—

Messrs. Ballinger,	Hughes,	Sterett,
Clarke,	Huston,	Tomlinson,
Davidson,	Morgan, J. S.	Walker, C. J.
Ford,	Payne,	Wingate—13.
Guthrie,		

Resolved, That the title of the said bill be as aforesaid.

The amendment reported from the committee on the Judiciary to a bill from the House of Representatives, entitled, an act to amend the law limiting actions for the recovery of land by females and their heirs, was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

A bill from the House of representatives, entitled, an act to amend an act to establish the Southern Bank of Kentucky, came up in the orders of the day. The said bill is as follows, viz:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so soon as five thousand shares of the capital of said Bank, including the shares now taken, shall be subscribed, and one hundred and

twenty thousand dollars in gold and silver paid in by individuals, companies, or corporations, the steps authorized to be taken by the thirty second and thirty sixth sections of said act, may be taken in the same manner and form, and with like effect, as if eight thousand shares had been subscribed, and two hundred thousand dollars had been paid in; and instead of eight thousand shares, and two hundred thousand dollars which the Governor of this Commonwealth is authorized to subscribe on the part of the State, by the thirty fifth section of said act, he is hereby authorized and directed within ten days after the commissioners shall notify him that five thousand shares of the capital stock have been subscribed by individuals, companies, or corporations, to subscribe, for and on account of the State, five thousand shares of the capital stock; and for each additional amount of one thousand shares subscribed, from time to time, by individuals, companies, or corporations, the like amount shall be subscribed by the Governor for, and on account of, this Commonwealth, until the whole capital stock of said Bank shall be made up.

SEC. 2. *Be it further enacted*, That the Commissioners before, and the President and Directors of said Bank, after their election, may, from time to time, open and re-open the books, for the subscription of stock, until the whole amount of capital stock shall be taken; and so much of said act as conflicts with this amendment is hereby repealed.

Mr. Ballinger moved to amend the said bill by adding to the first section these words, viz: "and pay for the same as provided for by the 35th section of the charter."

The question being taken on the adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Ford and Ballinger, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Ford,	Morgan, J. S.
Ballinger,	Guthrie,	Rice,
Burnett,	Hughes,	Tomlinson,
Clarke,	Huston,	Walker, C. J.—14.
Davidson,	Johnston,	

Those who voted in the negative were—

Messrs. Barlow,	Payne,	Wallace,
Bradshaw,	Pitts,	Walker, J. V.
De Courcy,	Pratt,	Weller,
Dixon,	Roberts,	Wickliffe,
James,	Schooling,	Williams,
Jasper,	Slaughter,	Wingate,
Jesup,	Sterett,	Young—22.
Murrell,		

Mr. Jasper moved to amend the said bill by adding thereto the following section, viz:

Be it further enacted, That so soon as there shall be subscribed and paidl with a view to the establishing the branch within the fourth Congressiona,

District, fifty thousand dollars, and so soon as the mother Bank shall go into operation, there shall be a branch established in said fourth Congressional District.

The question was then taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Jasper and Barlow, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Ford,	Roberts,
Ballinger,	Guthrie,	Tomlinson,
Barlow,	Hughes,	Wallace,
Bradshaw,	Jasper,	Walker, C. J.
Burnett,	Jesup,	Wingate—15.

Those who voted in the negative were—

Messrs. Davidson,	Morgan, J. S.	Sterett,
De Courcy,	Murrell,	Walker, J. V.
Dixon,	Payne,	Weller,
Huston,	Pitts,	Wickliffe,
James,	Schooling,	Williams,
Johnston,	Slaughter,	Young—19.
Morgan, D.		

Mr. Guthrie moved the previous question. The question being taken, "shall the main question be now put?" it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ford and Burnett, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Bradshaw,	Murrell,	Sterett,
Davidson,	Payne,	Walker, J. V.
Guthrie,	Pitts,	Weller,
Huston,	Roberts,	Wickliffe,
James,	Schooling,	Williams,
Morgan, J. S.	Slaughter,	Wingate—18.

Those who voted in the negative were—

Messrs. Anderson,	Ford,	Morgan, D.
Ballinger,	Hughes,	Tomlinson,
Barlow,	Jasper,	Wallace,
Burnett,	Jesup,	Walker, C. J.
De Courcy,	Johnston,	Young—16.
Dixon,		

The question was then taken on reading the said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ford and Weller, were as follows, viz:

Those who voted in the affirmative were—

Messrs. De Courcy,
Dixon,
Guthrie,
Huston,
James,
Jesup,
Johnston,
Morgan, D.

Morgan, J. S.
Murrell,
Payne,
Pitts,
Roberts,
Slaughter,
Sterett,

Wallace,
Walker, J. V.
Weller,
Wickliffe,
Williams,
Wingate,
Young—22.

Those who voted in the negative were—

Messrs. Anderson,
Ballinger,
Barlow,
Bradshaw,

Burnett,
Davidson,
Ford,
Hughes,

Jasper,
Schooling,
Tomlinson,
Walker, C. J.—12.

On the motion of Murrell, the vote disagreeing to a bill from the House of Representatives, entitled an act for the benefit of Ann Cable, was reconsidered, and it was placed in the orders of the day.

Mr. D. Morgan presented the petition of sundry citizens of the town of Poplar Plains, in Fleming county, praying for the passage of a law authorizing the sale of a school house, and the proceeds to be vested in the purchase of another school house.

Also, a petition counter thereto.

Which were received and referred to the committee of on Education.

And then the Senate adjourned.

TUESDAY, FEBRUARY 4, 1840.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz:

An act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky.

An act for the benefit of William H. Martin, and his securities.

An act authorizing the County Court of Bullitt county to sell the old jail and jail lot, and to build a new jail.

And that they had passed bills of the following titles, viz:

An act to confer certain powers on the Quarter Master General.

An act declaratory of the law of 1831, in relation to tipping houses, &c.

An act to amend an act, entitled, an act to establish a State road from Colemansville, in Harrison county, to Covington, in Campbell county.

An act to authorize John Weedman to build a mill dam across Rough creek.

An act to incorporate the Franklin Institute of Bacon College.

An act for the benefit of the Kentucky Historical Society.

An act for the benefit of the Fire Company in the town of Augusta.

An act for the relief of Benjamin F. Major.

An act for the benefit of James G. Hardy.

An act for the benefit of James W. Irwin, and others.

An act for the relief of Thomas P. Hart.

An act for the benefit of the Clerk of the Russell County Court.

The last named bill was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee of Finance.

1. Mr. De Courcy presented the remonstrance of sundry citizens of Covington and its vicinity, against the division of Campbell county by forming the county of Kenton.

2. Mr. Weller presented the petition of citizens of the town of Princeton, praying for the passage of a law authorizing the sale of a part of certain streets and alleys in said town, and to procure a pass-way to their public burying ground.

3. Mr. James presented the petition of sundry citizens of the town of Hickman, in Hickman county, praying for an appropriation to aid in the erection of a hospital in said town.

Which were received and referred: the 1st and 2d to the committee of Propositions and Grievances, and the 3d to the committee of Finance.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to regulate the fees of County Court Clerks, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be again read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, reported the same without amendment, viz:

An act to change the time of holding the Oldham County Court.

An act to repeal an act incorporating the town of Brownsborough.

An act to regulate the number of Justices of the Peace for Campbell county.

An act to amend the several acts incorporating the town of Williamstown, and for other purposes.

An act to amend an act, entitled, an act to incorporate the Bowlinggreen Life, Fire and Marine Insurance Company.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act concerning the General Court, reported the same without amendment.

The said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of veniriemen and jurors in certain cases.

An act for the benefit of the Jailer of Daviess county.

Reported the same with the opinion of the committee that they ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative, and so the said bills were disagreed to.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to provide for paying the expenses of keeping prisoners previous to and pending their examination before Justices of the Peace, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill to provide more effectually for the preservation and keeping of the public books deposited with the Clerks of this Commonwealth, reported the same with the opinion of the committee that it ought not to pass. The said bill was amended and recommitted to a committee of Messrs. Wickliffe, De Courcy and Sterett.

Mr. Wingate, from the committee of Religion, to whom was referred bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of Nancy Turner.
2. An act for the benefit of Elizabeth B. Fryar.

Reported the same with the opinion of the committee that they ought not to pass.

The first was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the first bill, as amended, do pass, and that the title thereof be as aforesaid.

The question being taken on reading the second bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to amend the act further to regulate the Wilderness turnpike road, approved January 27, 1838, reported the same with amendments—which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Ballinger, the committee of Internal Improvement was discharged from the duty of preparing and bringing in a bill discontinuing the State road between W. H. Hawkin's and New Market, on the road from Lexington to Nashville.

Mr. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act concerning the laying and collecting the county levy of Fayette, approved February 25th, 1836, reported the same with the opinion of the committee that it ought not to pass, and the said bill was placed in the orders of the day.

Mr. Johnston, from the same committee, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act for the benefit of the heirs of William Winslow, late Clerk of the Gallatin Circuit Court.

An act for the benefit of the Sheriff of Harrison county.

An act for the benefit of the Sheriff of Oldham county.

An act to authorize the County Court of Breathitt to raise funds for the erection of their public buildings, and for other purposes.

An act for the benefit of the securities of Alfred L. Hargis, late Sheriff of Christian county.

An act for the benefit of William B. Parker, late Sheriff of Lewis county.

An act for the benefit of the Sheriff of Lewis county.

An act for the benefit of the heirs of John Roney.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Johnston, from the committee of Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of John Blankinship, reported the same with amendments—which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Johnston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to repeal all laws authorizing the Sheriffs of this Commonwealth to return delinquent lists, reported the same with the opinion of the committee that it ought not to pass. The said bill was placed in the orders of the day.

Mr. Johnston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to tax corporations, reported the same without amendment. The said bill was referred to the committee of the whole House on the state of the Commonwealth, and made the order of the day for to-morrow.

Mr. Clarke, from the committee on Education, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act to amend an act to incorporate the Trenton Female Academy, in Todd county.

An act to establish a seminary of learning in Morgantown, and for other purposes.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Clarke, from the same committee, to whom was referred a bill to amend an act to establish a Medical Institute in the city of Louisville, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Barlow, from the committee of Enrollments, reported that the com-

mittee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz :

An act providing for a change of venue in a prosecution for perjury against John Henry.

An act for the benefit of the infant heirs of Samuel Craig, deceased.

An act to repeal the act establishing the Jacksonville election precinct, in Bourbon county.

An act to amend an act, entitled, an act to amend the road law in Campbell and Bracken counties.

An act to open a State road from John Hibbard's, in Clay county, to Prestonsburg, in Floyd county.

An act declaring Wolf river a navigable stream.

An act to amend the execution laws of this Commonwealth.

An act authorizing a change of venue in an action at law, depending in the Pulaski Circuit Court, wherein Rose, a woman of color, is plaintiff, and James T. Curd is defendant.

An act allowing an additional Justice of the Peace to Carter county, and for other purposes.

An act allowing an additional Constable to Anderson county.

An act for the benefit of the heirs of William Taylor, deceased.

An act to allow one additional Justice of the Peace to Whitley county, and for other purposes.

An act to amend the penal laws of this Commonwealth.

An act allowing additional Justices of the Peace to the counties of Graves and Wayne.

An act allowing the Trustees of the town of Newcastle to open an alley.

An act to amend an act for the better regulation of towns, approved February 7, 1798.

An act for the benefit of mechanics in the towns of Bowlinggreen, Russellville and Owensboro'.

An act to amend the charter of the Covington Insurance Company.

An act for the benefit of the widow and children of Stephen H. Garton, deceased.

An act for the benefit of the Sheriffs of Todd and Monroe counties.

An act to alter the time of the sitting of the Mercer Circuit Court.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the [Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Mr. Jesup, from the committee on Military Affairs, to whom was refer-

red a bill from the House of Representatives, entitled, an act for the benefit of James C. Sprigg, and others, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Payne, from the committee to whom was referred a bill from the House of Representatives, entitled, an act to equalize the salaries of the Circuit Judges of this Commonwealth, reported the same without amendment. The said bill was amended, and the question being taken on reading the same a third time, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and Barlow, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Anderson,	Jesup,	Roberts,
Burnett,	Johnston,	Schooling,
De Courcy,	Morgan, D.	Wallace,
Ford,	Payne,	Walker, C. J.
Hughes,	Pitts,	Walker, J. V.
James,	Pratt,	Wingate,
Jasper,	Rice,	Young—21.

Those who voted in the negative were—

Mr. Speaker,	Dixon,	Sterett,
Messrs. Ballinger,	Guthrie,	Weller,
Barlow,	Huston,	Wickliffe,
Bradshaw,	Morgan, J. S.	Williams—14.
Davidson,	Murrell,	

Mr. Huston moved that a message be sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the benefit of Hiram F. Cravens.

The question being taken thereon, it was decided in the negative.

The following bills were reported, viz :

By Mr. Wingate, from the committee on Religion—1. A bill for the benefit of Lewis W. Kirtley.

By Mr. Johnston, from the committee of Finance—2. A bill for the benefit of John Martin.

By Mr. Clarke, from the committee on Education—3. A bill for the benefit of the Trustees of the town of Poplar Plains, in Fleming county.

4. A bill to amend an act, entitled, an act to establish a system of Common Schools in the State of Kentucky.

By Mr. Wickliffe, from a select committee—5. A bill to regulate and define the jurisdiction of the Chancery Court for the city of Louisville and the county of Jefferson.

6. A bill more effectually to secure the collection and payment of fines and forfeitures.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the 5th and 6th bills being dispensed with, the 5th was referred to the committee on the Judiciary, and the 6th to the committee on Finance.

The constitutional rule as to the second and third readings of the 1st, 2d, 3d and 4th bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. J. V. Walker, leave was given to bring in a bill for the benefit of Seburn Shaw, and the committee of Propositions and Grievances was directed to prepare and bring in the same.

Mr. James, from the joint committee on Banks, made a report in writing.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 5, 1840.

A message was received from the House of Representatives, announcing that they had receded from the amendment proposed by that house to a bill from the Senate, entitled, an act to incorporate the Mills' Point House Company.

That they had passed a bill from the Senate, entitled, an act for the benefit of the Sheriff of Livingston county.

That they had concurred in the amendments proposed by the Senate, to bills from that House of the following titles, viz:

An act for the benefit of the Sheriff of Pendleton county.

An act to amend the law limiting actions for the recovery of land by females and their heirs.

An act for the benefit of the Jailer of Hancock county.

An act to prevent the burning of the woods in certain counties, and for other purposes.

An act for the benefit of Elizabeth Ward.

An act to amend the jury law.

An act to incorporate the Louisville First Ward Lyceum.

And that they had passed bills of the following titles, viz:

1. An act to amend and explain the 20th section of an act, approved February 1st, 1833, entitled, an act to amend and enforce an act to incorporate the city of Louisville.

2. An act to establish election precincts in Franklin, Kenton and Campbell counties.

3. An act to amend an act, entitled, an act to establish the town of Land-
ing, in Boone county.

4. An act authorizing Mary Jackson to bind out her infant children.

5. An act for the benefit of Isaac Jones, committee of Ruth Jones, of Green county.

6. An act for the benefit of George W. Bowman, deputy Sheriff of Casey county.

7. An act for the benefit of William Estill and wife.

8. An act for the benefit of the heirs of James Honaker, deceased.

9. An act for the benefit of Sarah Jane Dorman.

10. An act to amend the penal laws of this Commonwealth.

11. An act to amend an act, entitled, an act giving officers and crews, and mechanics and others, a lien on steamboats, approved January 30, 1839.

12. An act for the benefit of Mary Ann Winebrenner, and her infant child, George Ann Winebrenner.

13. An act to amend the laws, now in force, prescribing the fees and commissions of the Marshal of the Louisville Chancery Court, and for other purposes.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st, 3d, 4th, 7th, 8th, 9th, 10th, 11th, 12th and 13th to the committee on the Judiciary; the 5th and 6th to the committee on Finance, and the 2d to the committee on Privileges and Elections.

On the motion of Mr. Wingate, the votes by which a bill from the House of Representatives, entitled, an act concerning the General Court was passed, and ordered to be read a third time, were reconsidered.

The said bill was amended and ordered to be again read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

1. Mr. Clarke presented the petition of Alexander Hutchenson, praying for a divorce from his wife.

2. Mr. Guthrie presented the petition of Charlotte Stivers, praying for a divorce from her husband.

3. Mr. Schooling presented the remonstrance of sundry citizens of Washington county against changing the place of voting in a precinct in said county from Alford's to Sutherland's.

4. Mr. Wallace presented the petition of sundry citizens of Grant county, praying for the passage of a law to allow an additional Justice of the Peace to said county.

5. Mr. Tomlinson presented the petition of sundry citizens of the lower end of Mercer county, praying that a part of the old road from Frankfort to Harrodsburg, near Providence Meeting house, may be kept open.

Which were received and referred: the 1st and 2d to the committee of Religion; the 3d to the committee of Privileges and Elections; the 4th to the committee of Propositions and Grievances, and the 5th to the committee of Internal Improvement.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the following bills, viz:

1. A bill to restore the privileges of the Banks when they resume specie payments:

2. A bill to amend the execution laws of this Commonwealth, and for other purposes, reported the same with amendments to each—which were concurred in.

Ordered, That the said bills be engrossed and read a third time.

The yeas and nays being required on ordering the first bill to be engrossed and read a third time, by Messrs. Tomlinson and Murrell, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Huston,	Roberts,
Messrs. Anderson,	James,	Slaughter,
Ballinger,	Jesup,	Sterett,
Barlow,	Morgan, D.	Wallace,
Bradshaw,	Morgan, J. S.	Walker, J. V.
Clarke,	Murrell,	Wickliffe,
Davidson,	Payne,	Williams,
De Courcy,	Pitts,	Wingate,
Guthrie,	Pratt,	Young—27.

Those who voted in the negative were—

Messrs. Burnett,	Rice,	Walker, C. J.
Ford,	Schooling,	Weller—8.
Hughes,	Tomlinson,	

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to for the benefit of Joseph Washington, reported the same without amendment. The said bill is as follows, viz:

WHEREAS, it is represented to this General Assembly, that Joseph Washington, of Robertson county, Tennessee, is the owner of a valuable farm, and tract of land in the county of Todd, and is desirous of improving and cultivating the same, but from the operation of an act to prohibit the importation of slaves into this Commonwealth, is prevented from so doing—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Joseph Washington be, and he is hereby, authorized and permitted to introduce into this State any number of his slaves as laborers to improve and cultivate his farm, in the county of Todd, and for no other purpose whatever, any law to the contrary notwithstanding: *Provided,* That no slaves which he shall hereafter purchase shall be sent to, nor shall they be sold in this State.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Ballinger and Jesup, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	James,	Walker, J. V.
Bradshaw,	Jasper,	Weller,
Burnett,	Jesup,	Wickliffe,
De Courcy,	Pitts,	Williams,
Dixon,	Roberts,	Young—17.
Ford,	Schooling,	

Those who voted in the negative were—

Mr. Speaker,	Huston,	Slaughter,
Messrs. Anderson,	Morgan, D.	Sterett,
Ballinger,	Morgan, J. S.	Tomlinson,
Clarke,	Murrell,	Wallace,
Davidson,	Payne,	Walker, C. J.
Guthrie,	Pratt,	Wingate—20.
Hughes,	Rice,	

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Rachel Watts and her children, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Edward Donoho, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from

the House of Representatives, entitled, an act for the benefit of Franklin Webb, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

On the motion of Mr. Guthrie, the committee on the Judiciary was discharged from the further consideration of the petition of Philip F. Jones.

Mr. Barlow, from the joint committee of Enrollments, reported that the committee had examined enrolled bills and resolutions, which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act to amend an act providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of Jurors, approved February 15, 1838, and for other purposes.

An act authorizing the County Court of Bullitt county to sell the old jail and jail lot, and to build a new jail.

An act for the divorce of Samuel Rohrer.

An act for the benefit of the Sheriff of Hickman county.

An act for the benefit of William H. Martin, and his securities.

An act extending the limits of the town of Germantown.

An act to authorize and require the Register of the Land Office to register certain plats and certificates of survey.

An act to authorize the Owen County Court to change the road from Marion to New Liberty.

An act to amend the several acts to suppress the practice of duelling.

An act to establish an election precinct in Owen county.

An act to change the place of voting at an election precinct in Perry county, and to establish a new precinct in said county.

An act to amend an act to incorporate the town of Trenton, in Todd county, approved January 13th, 1840.

An act for the benefit of the Anderson county Seminary.

An act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky.

A resolution directing a tombstone to be placed over the grave of James Clark, late Governor of Kentucky.

A resolution to erect a tombstone over the grave of Gabriel Slaughter, late Governor of Kentucky.

The said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the State of the Commonwealth, Mr. Wingate in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Wingate reported that the committee had, according to order, had under consideration a bill from the House of Representatives, entitled, an act to tax corporations, and had made some progress therein, but not having time to go through with the same, had directed him to ask for leave to sit again—which was granted.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Schooling—1. A bill to amend an act, entitled, an act for the benefit of the Sheriff of Washington county, approved December 19th, 1839.

On the motion of Mr. Wingate—2. A bill for the benefit of Joseph Clarke, late Sheriff of Franklin county.

On the motion of Mr. Weller—3. A bill for the further relief of the Sheriff of Livingston county.

Messrs. Schooling, Rice and Roberts were appointed a committee to prepare and bring in the 1st; Messrs. Wingate, Burnett and Ford the 2d, and Messrs. Weller, James and J. V. Walker the 3d.

On the motion of Mr. Roberts,

Resolved, That the committee on the Judiciary be instructed to enquire into the propriety and expediency of placing the Clerks of this Commonwealth upon the civil list, and report to the Senate by bill or otherwise.

Bills from the House of Representatives of the following titles, viz:

1. An act to confer certain powers on the Quarter Master General.
2. An act declaratory of the law of 1831, in relation to tipping houses, &c.
3. An act to authorize J. Weedman to build a mill dam across Rough creek.
4. An act to incorporate the Franklin Institute of Bacon College.
5. An act for the benefit of the Kentucky Historical Society.
6. An act for the benefit of the Fire Company in the town of Augusta.
7. An act for the relief of Benjamin F. Major.
8. An act for the benefit of James G. Hardy.
9. An act for the benefit of James W. Irwin, and others.
10. An act for the relief of Thomas P. Hart.

11. An act to amend an act, entitled, an act to establish a State road from Colemansville, in Harrison county, to Covington, in Campbell county.

Were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st, 7th, 8th, 9th and 10th to the committee on Military Affairs; the 2d and 6th to the committee on the Judiciary; the 3d and 11th to the committee on Internal Improvement, and the 4th and 5th to the committee on Education.

The message from the Lieutenant and Acting Governor, received on the 31st of last month, was taken up and read as follows, viz :

EXECUTIVE OFFICE,
January 31, 1840. }

Gentlemen of the Senate:

I nominate for your advice and consent the following persons to be militia officers, for the several offices annexed to their names, viz:

J. T. Towson to be Brigadier General of the 6th Brigade, in place of Joseph W. Rowlett, resigned.

Henry C. Williams, to be Brigadier General of the 11th Brigade, in place of Thomas W. Townsend, resigned.

Eli Bozorth to be Brigadier General of the 12th Brigade, in place of T. W. Ragsdale, promoted.

Robert S. Brashears to be Brigadier General of the 18th Brigade, in place of E. Combs, promoted.

Daniel Morgan to be Brigadier General of the 25th Brigade, in place of G. W. Ruddell, resigned.

Thomas W. Cochran to be Brigadier General of the 28th Brigade, in place of Dyrner Downing, deceased.

John McAfee to be Colonel of the 5th Regiment, in place of David McGee, resigned.

Thomas S. Wheate to be Lieutenant Colonel of the 5th Regiment, in place of John McAfee, if promoted.

Joseph Armstrong to be Major of the 5th Regiment, in place of Thomas S. Wheate, if promoted.

Stephen H. Slaughter to be Colonel of the 6th Regiment, in place of Alexander Helm, resigned.

John Baley to be Lieutenant Colonel of the 6th Regiment, in place of Stephen H. Slaughter, if promoted.

James Robertson to be Major of the 6th Regiment, in place of John Bailey, if promoted.

Jefferson Williams to be Lieutenant Colonel of the 19th Regiment, in place of Samuel Campbell, resigned.

Reuben Monday to be Major of the 19th Regiment, in place of Jefferson Williams, if promoted.

Willis P. Blanks to be Colonel of the 63d Regiment, in place of Robert R. Hall, resigned.

Hayden I. McRoberts to be Lieutenant of the 63d Regiment, in place of Willis P. Blanks, if promoted.

Thomas P. Dodds to be Major of the 63d Regiment, in place of H. I. McRoberts, if promoted.

John C. Wilson to be Colonel of the 68th Regiment, in place of George Bush, refused.

Luther Brawner to be Lieutenant Colonel of the 68th Regiment, in place of D. White, who refused to qualify and accept.

James Woodward to be Major of the 68th Regiment, in place of A. Clarke, who refused to qualify and accept.

Ambrose Pitman to be Colonel of the 75th Regiment, in place of Samuel McHargue, resigned.

John C. Brown to be Lieutenant Colonel of the 75th Regiment, in place of Ambrose Pitman, if promoted.

James Hale to be Major of the 75th Regiment, in place of John C. Brown, if promoted.

Samuel M. Dysart to be Colonel of the 79th Regiment, in place of John Evans, removed.

William Smith to be Lieutenant Colonel of the 79th Regiment, in place of Samuel M. Dysart, if promoted.

Hardin Combs to be Colonel of the 80th Regiment, in place of R. S. Brashears, if promoted.

Edward Strong to be Lieutenant Colonel of the 80th Regiment, in place of Hardin Combs, if promoted.

Samuel Combs to be Major of the 80th Regiment, in place of Edward Strong, if promoted.

Jacob D. Salsman to be Colonel of the 99th Regiment, in place of William E. Gains, resigned.

Robert R. Buckner to be Lieutenant Colonel in the 99th Regiment, in place of Jacob D. Salsman, if promoted.

James W. Lively to be Major of the 99th Regiment, in place of Robert R. Buckner, if promoted.

Samuel B. Willson to be Major of the 109th Regiment, in place of Joel P. Nunn, removed.

Edward Bullock to be Lieutenant Colonel of the 123d Regiment, in place of Matthew Markland, resigned.

Lewis Jacobs to be Major of the 123d Regiment, in place of Edward Bullock, if promoted.

Elisha Beasley to be Colonel of the 92d Regiment, in place of Joshua C. Towson, if promoted.

Allen N. McAlister to be Lieutenant Colonel of the 92d Regiment, in place of J. B. Bell, resigned.

Thomas J. Buckley to be Major of the 92d Regiment, in place of E. Beasley, if promoted.

Respectfully,

C. A. WICKLIFFE.

Resolved, That the Senate advise and consent to the appointments of the several persons as nominated in the said message.

The report of the joint committee on Banks, made by Mr. James on yesterday, is as follows:

[*For the report—see Appendix.*]

Mr. J. S. Morgan moved that the Public Printer print 1000 copies of the said report for the use of the Senate

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wingate, and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Ballinger,
Clarke,
Davidson,

Huston,
James,
Morgan, J. S.
Payne,

Roberts,
Weller,
Wickliffe—11.

Those who voted in the negative were—

Messrs. Anderson,	Hughes,	Schooling,
Barlow,	Jasper,	Wallace,
Bradshaw,	Jesup,	Williams,
Burnett,	Pratt,	Wingate,
Ford,	Rice,	Young—16.
Guthrie,		

Mr. Payne moved that the Public Printer print 500 copies of the said report for the use of the Senate.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Payne and Rice, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Dixon,	Payne,
Messrs. Anderson,	Huston,	Roberts,
Ballinger,	James,	Slaughter,
Bradshaw,	Morgan, D.	Tomlinson,
Clarke,	Morgan, J. S.	Walker, C. J.
Davidson,	Murrell,	Weller—18.

Those who voted in the negative were—

Messrs. Barlow,	Jasper,	Wallace,
Burnett,	Jesup,	Walker, J. V.
De Courcy,	Pratt,	Wickliffe,
Ford,	Rice,	Williams,
Guthrie,	Schooling,	Wingate,
Hughes,	Sterett,	Young—18.

Mr. Murrell moved that 300 copies of the said report be printed.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Murrell and Rice, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	James,	Roberts,
Messrs. Ballinger,	Morgan, D.	Slaughter,
Clarke,	Morgan, J. S.	Walker, C. J.
Davidson,	Murrell,	Walker, J. V.
Dixon,	Payne,	Weller—15.

Those who voted in the negative were—

Messrs. Anderson,	De Courcy,	Huston,
Barlow,	Ford,	Jasper,
Bradshaw,	Guthrie,	Jesup,
Burnett,	Hughes,	Pratt,

Rice,
Schooling,
Sterett,

Tomlinson,
Wallace,
Wickliffe,

Williams,
Wingate,
Young—21.

Mr. J. V. Walker moved to reconsider the vote by which the motion to print 500 copies of said report was rejected.

And then the Senate adjourned.

THURSDAY, FEBRUARY 6, 1840.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to amend an act to establish a Medical Institute in the city of Louisville.

That they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act concerning the General Court.

And that they had passed bills of the following titles, viz:

1. An act to establish a new Judicial District, and for other purposes.
2. An act for the benefit of Samuel Simpson, deputy Sheriff of Green county.
3. An act to amend the charter of the Paris, Georgetown and Frankfort turnpike company.
4. An act for the benefit of the Sheriffs of Madison, Henry and Lewis counties.

The 1st, 2d and 3d bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on the Judiciary; the 2d to the committee of Finance, and the 3d to the committee of Internal Improvement.

1. Mr. De Courcy presented the petition of sundry citizens of Covington, and its vicinity, praying the Legislature to suspend or alter the act establishing the county of Kenton, so as to allow the question of division, as well as the location of the seats of justice, to be determined by a vote of the citizens of Campbell county.

2. Mr. Young presented the petition of sundry citizens of the north-east part of Montgomery county, praying for the establishment of an election precinct in said county.

3. Mr. Wingate presented the petition of Uriel B. Chambers, who stands indicted in the Franklin Circuit Court, on a charge of cutting, with a knife,

the head and face of Jephthah Dudley, with an intent to kill him, praying for a change of venue.

Which were received and referred: the 1st and 2d to the committee of Propositions and Grievances, and the 3d to the committee on the Judiciary.

The question being taken on the motion of Mr. J. V. Walker to reconsider the vote rejecting the motion to print 500 copies of the report of the committee on Banks, it was decided in the affirmative.

Ordered, That the Public Printer print 500 copies of the said report for the use of the Senate.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act declaratory of the law of 1831 in relation to tippling houses, &c.

An act for the benefit of the heirs of James Honaker, deceased.

An act for the benefit of Mary Ann Winebrenner, and her infant child, George Ann Winebrenner.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of the Fire Company in the town of Augusta.

An act to amend the penal laws of this Commonwealth.

Reported the same with amendments to each—which were concurred in.

Ordered, That the first bill be read a third time, as amended, and that the second be recommitted to the committee on the Judiciary.

The constitutional rule as to the third reading of the first bill being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Rice, from the committee of Propositions and Grievances, reported a bill to allow an additional Justice of the Peace to the county of Grant, which was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, there shall be allowed one additional Justice of the Peace to the county of Grant, who shall, at the time of his appointment, reside in what is called Crooked creek neighborhood, in said county.

Ordered, That the said bill be read a second time.

The constitutional rule as to the second and third readings being dispensed with, and the same being engrossed,

The question was taken on the passage thereof, and it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Roberts and Wallace, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Burnett,	Jasper,	Williams,
Clarke,	Pratt,	Wingate,
De Courcy,	Rice,	Young—11.
Hughes,	Wallace,	

Those who voted in the negative were—

Mr. Speaker,	Guthrie,	Pitts,
Messrs. Anderson,	Huston,	Roberts,
Ballinger,	James,	Slaughter,
Barlow,	Jesup,	Sterett,
Bradshaw,	Morgan, D.	Tomlinson,
Davidson,	Morgan, J. S.	Walker, C. J.
Dixon,	Murrell,	Weller,
Ford,	Payne,	Wickliffe—24.

Two messages, in writing, were received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

A message was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State, announcing that he had approved and signed sundry enrolled bills and resolutions, which originated in the Senate, of the following titles, viz:

An act for the benefit of Thomas Glascock.

An act to change the time of holding the Lawrence, Morgan, Pike and Floyd Circuit Courts.

An act providing for the apprehension and detention of fugitives from justice from other States.

An act for the benefit of George Smedley and D. R. Enders.

An act for the benefit of John Gooding.

Approved January 29, 1840.

An act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky.

An act extending the limits of the town of Germantown.

An act to authorize and require the Register of the Land Office to register certain plats and certificates of survey.

An act for the benefit of William H. Martin, and his securities.

An act authorizing the County Court of Bullitt county to sell the old jail and jail lot, and to build a new jail.

An act to amend an act providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of Jurors, approved February 15, 1838, and for other purposes.

An act to authorize the Owen County Court to change the road from Marion to New Liberty.

An act to amend the several acts to suppress the practice of duelling.

An act for the benefit of the Sheriff of Hickman county.

An act for the divorce of Samuel Rohrer.

An act to establish an election precinct in Owen county.

An act to change the place of voting at an election precinct in Perry county, and to establish a new precinct in said county.

An act to amend an act to incorporate the town of Trenton, in Todd county, approved January 13th, 1840.

An act for the benefit of the Anderson county Seminary.

Approved February 5, 1840.

A resolution directing a tombstone to be placed over the grave of James Clark, late Governor of Kentucky.

A resolution to erect a tombstone over the grave of Gabriel Slaughter, late Governor of Kentucky.

Mr. Rice, from the committee of Propositions and Grievances, reported a bill concerning the town of Princeton, which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Rice, from the same committee, to whom was referred a bill supplemental to an act to establish the county of Kenton, and for other purposes, reported the same without amendment. The said bill was amended, and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

The question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ballinger and Schooling, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Ballinger,
Barlow,
Bradshaw,
Clarke,
Davidson,
Dixon,
Huston,

Jesup,
Morgan, D.
Morgan, J. S.
Murrell,
Payne,
Pratt,
Rice,
Roberts,

Slaughter,
Sterett,
Tomlinson,
Walker, C. J.
Weller,
Wickliffe,
Williams—23.

Those who voted in the negative were—

Messrs. Burnett,
De Courcy,
Ford,
Guthrie,

Hughes,
Jasper,
Pitts,
Schooling,

Wallace,
Walker, J. V.
Wingate,
Young—12.

Resolved, That the title of the said bill be as aforesaid.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House, Mr. Barlow in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Barlow reported that the committee had, according to order, had under consideration a bill from the House of Representatives, entitled, an act to tax corporations, and had made some further progress therein, but not having time to go through with the same, had directed him to ask for leave to sit again—which was granted.

And then the Senate adjourned.

FRIDAY, FEBRUARY 7, 1840.

A message was received from the House of Representatives, announcing that they had received official information that the Lieutenant and Acting Governor had approved and signed enrolled bills and a resolution which originated in that House, of the following titles, viz:

An act for the benefit of John L. Graves.

An act to amend an act, entitled, an act for the benefit of the county of Jefferson.

An act to incorporate the Germantown Academy.

An act for the benefit of Joseph McGlothlin.

An act for the benefit of Maston Gore.

An act for the benefit of the Frankfort Light Infantry, and Franklin Troop of Cavalry

An act allowing one additional Constable to the county of Jefferson, and for other purposes.

An act to amend an act, incorporating the Paris Fire, Life and Marine Insurance Company.

An act to allow an additional Constable to the county of Trigg.

An act to amend the laws in relation to the town of Lawrenceburg, in Anderson county.

An act allowing further time to the several County Courts of this Commonwealth to furnish a standard of weights and measures.

An act to change the time of holding the Circuit Courts for the counties of Simpson, Allen and Warren.

An act allowing an additional Justice of the Peace to Rockcastle county.

An act for the benefit of Asa Vanlandingham, late Sheriff of Grant county.

An act for the benefit of James Hopwood, and others.

An act for the benefit of Joseph Shropshire.

An act for the benefit of the Volunteer Company, styled the Lancaster Guard, in Garrard county.

An act for the benefit of the Lunatic Asylum at Lexington.

An act to change the place of voting at an election precinct in Livingston county.

An act repealing the law declaring the Beech Fork navigable above Ray's mill.

An act to incorporate the Georgetown Fire Company.

An act for the benefit of William B. Wallace.

An act for benefit of Catharine J. Lloyd.

An act to incorporate the town of Chiltonsville, in Henry county.

An act for the benefit of Nancy Robertson.

An act legalizing the proceedings of the Court of Assessment of the 16th Regiment of Kentucky Militia, and for other purposes.

An act for the benefit of William E. Grider.

An act for the benefit of Richard Lucas, Sen'r.

An act to establish the county of Kenton, and for other purposes.

An act to amend the law relating to the Wilderness turnpike road, and adjacent roads leading from same to Goose creek Salt Works.

An act for the benefit of James Sego.

Approved January 29, 1840.

An act to change the place of voting in an election precinct in Ohio county.

Approved January 31, 1840.

An act to amend an act, entitled, an act to amend the road law in Campbell and Bracken counties.

An act to repeal the act establishing the Jacksonville election precinct, in Bourbon county.

An act providing for a change of venue in a prosecution for perjury against John Henry.

An act for the benefit of the infant heirs of Samuel Craig, deceased.

An act authorizing a change of venue in an action at law, depending in the Pulaski Circuit Court, wherein Rose, a woman of color, is plaintiff, and James T. Curd is defendant.

An act to amend the execution laws of this Commonwealth.

An act allowing an additional Constable to Anderson county.

An act allowing an additional Justice of the Peace to Carter county, and for other purposes.

An act for the benefit of the heirs of William Taylor, deceased.

An act to allow one additional Justice of the Peace to Whitley county.

An act to amend the penal laws of this Commonwealth.

An act allowing the Trustees of the town of Newcastle to open an alley.

An act allowing additional Justices of the Peace to the counties of Graves and Wayne, and for other purposes.

An act to amend an act for the better regulation of towns, approved February 7, 1798.

An act for the benefit of mechanics in the towns of Bowlinggreen, Russellville and Owensboro'.

An act for the benefit of the widow and children of Stephen H. Garton, deceased.

An act for the benefit of the Sheriffs of Todd and Monroe counties.

An act to alter the time of the sitting of the Mercer Circuit Court.

An act to amend the charter of the Covington Insurance Company.

An act to open a State road from John Hibbard's, in Clay county, to Prestonsburg, in Floyd county.

An act declaring Wolf river a navigable stream.

Approved February 4, 1840.

A resolution postponing the election of President and Directors of the Bank of the Commonwealth of Kentucky.

Approved January 29, 1840.

That they had concurred in the report of the committee of conference on a bill from that House, entitled, an act giving Justices of the Peace jurisdiction in actions of trespass, and trespass on the case, where the damages laid are five pounds or under.

That they had passed bills from the Senate of the following titles, viz:

An act to amend an act, entitled, an act to authorize Jailers to serve process in certain cases, approved February 9th, 1836.

An act to amend the seventh section of an act, entitled, an act for the better securing the payment of rents, and preventing the fraudulent practices of tenants.

And that they had passed bills of the following titles, viz:

1. An act to increase the number of juridical days allowed the Circuit Court of Hardin county, and for other purposes.

2. An act for the benefit of Armstead Crane.

3. An act for the benefit of Thomas P. Curson, of Calloway County, and Anthony N. Gatewood, of Trigg County.

4. An act to incorporate the town of Uniontown, in Union county.

5. An act to legalize the acts of the Trustees of Hodgenville, and for other purposes.

6. An act for the benenfit of Philip Board, of Hancock county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st, 3d, 4th, 5th, and 6th, to the committee on the Judiciary, and the 2d to the committee on Finance.

1 and 2. Mr Hughes presented two petitions of sundry citizens praying for the repeal of all laws licensing the retail of spirituous liquors.

3. Mr. Huston presented the petition of the heirs of Abner Gore, deceased, praying for the passage of a law authorizing an exchange of certain lands.

4. Mr. Anderson presented the petition of John O. Walden, praying for a divorce from his wife.

Which petitions were received and referred: the 1st, 2d, and 4th, to the committee of Religion, and the 3d to the committee on the Judiciary.

On the motion of Mr. Wingate, the committee of Religion was discharged from the further consideration of a bill from the House of Representatives, entitled, an act for the benefit of Hermandy Cutler, and the said bill was laid on the table.

Mr. Wingate, from the committee of Religion to whom was referred the petition of Charlotte Stivers, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

The question being taken on concurring in the said resolution, it was decided in the negative.

Ordered, That the committee of Religion report a bill pursuant to the said petition.

The following bills were reported, viz:

By Mr. Rice, from the committee of Propositions and Grievances—1. A bill for the benefit of Seburn Shaw.

By Mr. Wingate, from the committee on Religion—2. A bill for the benefit of Charlotte Stivers.

3. A bill for the benefit of Alexander Hutcheson.

By Mr. Clarke, from the committee on Education—4. A bill to authorize the County Court of Nicholas county to sell the Nicholas county Seminary, and for other purposes.

By Mr. Wingate, from a select committee—5. A bill for the benefit of Joseph Clarke, late Sheriff of Franklin county.

By Mr. Schooling—6. A bill to amend an act, entitled, an act for the benefit of the Sheriff of Washington county, approved December 19, 1839.

By Mr. De Courcy—7. A bill to establish a Commissioner's Court in this Commonwealth.

By Mr. Weller—S. A bill for the further relief of the Sheriff of Livingston county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the 7th, bill being dispensed with, it was referred to the committee on the Judiciary, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

The constitutional rule as to the second and third readings of each of the other bills being dispensed with, and the same being engrossed, and the third amended,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid, except the third, which was amended by adding thereto "and Keziah Jones."

Mr. Clarke, from the committee of Finance, reported a bill for the benefit of Susan Trigg, which was read the first time as follows, viz:

WHEREAS, William Trigg, in his lifetime, subscribed five hundred dollars towards defraying the expenses of rebuilding the Capitol, and paid the same to the Commissioners superintending the public works; and whereas, it is deemed proper by this Legislature to refund the said sum of money to his widow, Susan Trigg; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and he is hereby, directed to issue his warrant in favor of the said Susan Trigg, for the sum of five hundred dollars, on the Treasurer, and he is hereby directed to pay the same out of any moneys in the Treasury not otherwise appropriated.

The second reading of the said bill being objected to, the question was taken, shall the said bill be rejected? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ballinger and Guthrie, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Huston,	Sterett,
Barlow,	James,	Tomlinson,
Bradshaw,	Jasper,	Wallace,
Burnett,	Morgan, J. S.	Walker, C. J.
Clarke,	Murrell,	Walker, J. V.
Davidson,	Payne,	Weller,
De Courcy,	Rice,	Williams—23.
Hughes,	Schooling,	

Those who voted in the negative were—

Mr. Speaker,	Jesup,	Pratt,
Messrs. Anderson,	Johnston,	Wickliffe,
Ford,	Morgan, D.	Wingate,
Guthrie,	Pitts,	Young—12.

Mr. Clarke, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Franklin Institute of Bacon College, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Clarke, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Kentucky Historical Society, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

On the motion of Mr. Clarke, the committee on Education was discharged from the duty of preparing and bringing in a bill for the benefit of the Grayson county Seminary.

Mr. Jesup, from the committee on Military Affairs, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz :

An act for the benefit of Benjamin F. Major.

An act for the benefit of James W. Irwin, and others.

An act for the benefit of James G. Hardy.

An act for the benefit of Thomas P. Hart.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Jesup, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to confer certain powers on the Quarter Master General, reported the same with the opinion of the committee that it ought not to pass. The said bill was placed in the orders of the day.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz :

An act to amend the law limiting actions for the recovery of land by females and their heirs.

An act for the benefit of Charles Faulkner.

An act to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a Railroad between the said city and river.

An act to incorporate the Crab Orchard Seminary, in Lincoln county.

An act authorizing the Trustees of the Pendleton Academy to loan the funds of the institution upon bonds and obligations.

An act for the benefit of David Jameson.

An act for the benefit of Gabrella Mathews.

An act for the benefit of James and Keziah Rogers.

An act for the benefit of the Sheriff of Pendleton county.

An act to amend the jury law.

An act for the benefit of Elizabeth Ward and Rebecca B. Sloan.

An act for the benefit of the Jailer of Hancock county.

An act to amend an act, entitled, an act to incorporate the Bowlinggreen Life, Fire and Marine Insurance Company.

An act for the benefit of James C. Sprigg and others.

An act to amend an act to incorporate the Trenton Female Academy, in Todd county.

An act to repeal an act incorporating the town of Brownsborough.

An act for the benefit of the heirs of John Roney.

An act to change the time of holding the Oldham County Court.

An act to regulate the number of Justices of the Peace for Campbell county.

An act to amend the several acts incorporating the town of Williams-town, and for other purposes.

An act for the benefit of the Sheriff of Lewis county.

An act for the benefit of the Sheriff of Oldham county.

An act for the benefit of the heirs of William Winslow, late Clerk of the Gallatin Circuit Court.

An act for the benefit of the Sheriff of Harrison county.

An act for the benefit of William B. Parker, late Sheriff of Lewis county.

An act to authorize the County Court of Breathitt to raise funds for the erection of their public buildings, and for other purposes.

An act concerning the General Court.

An act for the benefit of the securities of Alfred L. Hargis, late Sheriff of Christian county.

An act to prevent the burning of the woods in certain counties, and for other purposes.

An act to incorporate the Louisville Franklin Lyceum.

An act to establish a seminary of learning in Morgantown, and for other purposes.

An act for the benefit of Edward Donoho.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Act-

ing Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

A bill from the House of Representatives, entitled, an act for the benefit of the Sheriffs of Madison, Henry and Lewis counties, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Two messages, in writing, received from the Lieutenant and Acting Governor on yesterday, were taken up and read as follows, viz:

EXECUTIVE OFFICE, }
February 6, 1840. }

Gentlemen of the Senate :

I nominate for your advice and consent, Edward Payne, to be Sheriff of Christian county, in place of John Spurlin, heretofore commissioned, and who resigned or refuses to accept the office.

Respectfully, your obedient servant,

C. A. WICKLIFFE.

EXECUTIVE OFFICE, }
February 6, 1840. }

Gentlemen of the Senate :

I nominate for your advice and consent, Washington Fugud, to be Colonel of the 58th Regiment, in place of Daniel Morgan, promoted.

Francis R. Davis, to be Lieutenant Colonel of the 58th Regiment, in place of Washington Fugud, if promoted.

Matthew Morrison, to be Major of the 58th Regiment, in place of Francis R. Davis, if promoted.

C. A. WICKLIFFE.

Resolved, That the Senate advise and consent to the appointment of the several persons as nominated in the said messages.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to establish a new Judicial District, and for other purposes, reported the same with the opinion of the committee that it ought not to pass.

Mr. Murrell moved to amend the said bill by adding thereto the following, viz:

Be it further enacted, That there shall be another additional judicial district established in this Commonwealth, which shall be styled the 18th judicial district, to be composed of the counties of Whitley, Wayne, Clinton, Russell, Cumberland and Monroe, and that a Circuit Judge and Commonwealth's Attorney shall be appointed for said district, who shall possess the same powers and receive the same emoluments that are allowed by law to the other Circuit Judges and Commonwealth's Attorneys of this State: The

terms of the Whitley Circuit Court shall commence on the first Mondays in March, June, and September, and shall continue six juridical days at each term, if the business of the Court require it: The terms of the Wayne Circuit Court shall commence on the third Mondays in March, June, and September, and shall continue twelve juridical days at each term, if the business of the Court shall require it: The terms of the Clinton Circuit Court shall commence on the first Mondays in April, July, and October, and shall continue six juridical days at each term, if the business of the Court require it: The terms of the Russell Circuit Court shall commence on the first Mondays in May and November, and on the second Monday in August, and shall continue twelve juridical days at the May and November terms, and six juridical days at the August term, if the business of the Court shall require it: The terms of the Cumberland Circuit Court shall commence on the fourth Mondays in May, August, and November, and shall continue six juridical days at each term, if the business of the Court shall require it: The terms of the Monroe Circuit Court shall commence on the third Mondays in May, August, and November, and continue six juridical days at each term, if the business of the Court shall require it.

Be it further enacted, That the eighth judicial district shall hereafter be composed of the counties of Adair, Barren, Green, and Hart: The terms of the Adair Circuit Court shall commence and sit as now allowed by law: The terms of the Barren Circuit Court shall commence as now allowed by law, and shall continue eighteen juridical days at each term, if the business of the Court require it: The terms of the Green Circuit Court shall commence on the second Mondays in April, July, and October, and shall continue eighteen juridical days at each term, if the business of the Court require it: The terms of the Hart Circuit Court shall commence on the first Mondays in May and November, and on the second Monday in August, and shall continue at the May and November terms twelve juridical days, and at the August term six juridical days, if the business of the Court require it.

Be it further enacted, That all recognizances taken, and process issued, returnable to the terms of the foregoing Courts as they heretofore stood, shall be returned to the terms of said Courts, respectively, as now fixed by this act, and shall be as obligatory and binding as they would have been had this act not passed, and they been returned to the terms of said Courts as they stood before the passage of this act.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Murrell and Barlow, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Davidson,
Ford,
Huston,
Jasper,

Jesup,
Morgan, D.
Murrell,
Roberts,

Tomlinson,
Walker, J. V.
Weller,
Young—12.

Those who voted in the negative were—

Mr. Speaker,	Guthrie,	Schooling,
Messrs. Anderson,	Hughes,	Slaughter,
Ballinger,	James,	Sterett,
Barlow,	Johnston,	Wallace,
Bradshaw,	Morgan, J. S.	Walker, C. J.
Burnett,	Payne,	Williams,
Clarke,	Pitts,	Wingate—23.
De Courcy,	Rice,	

The question was then taken on reading the said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and Wingate, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Johnston,	Slaughter,
Messrs. Ballinger,	Morgan, D.	Tomlinson,
Clarke,	Morgan, J. S.	Wallace,
De Courcy,	Murrell,	Walker, C. J.
Ford,	Payne,	Walker, J. V.
Guthrie,	Pitts,	Weller,
Hughes,	Roberts,	Wickliffe,
Huston,	Schooling,	Wingate—24.

Those who voted in the negative were—

Messrs. Anderson,	Dixon,	Rice,
Barlow,	James,	Sterett,
Bradshaw,	Jasper,	Williams,
Burnett,	Jesup,	Young—13.
Davidson,		

The constitutional rule as to the third reading of the said bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

1. An act to amend the law regulating the emancipation of slaves.
 2. An act for the benefit of Harriet and Alexander Howison.
 3. An act to amend the penal laws of this Commonwealth.
 4. An act allowing additional Constables to Mason, Rockcastle, Oldham and Pulaski counties, and to change a Constable's district in Russell county.
- Reported the same with amendments to each—which were concurred in.

Ordered, That the said bills be read a third time, as amended.

The constitutional rule as to the third reading of the 1st and 3d bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as afore-said.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

1. An act for the benefit of Wallace Estill and wife.
2. An act for the benefit of Sarah Jane Dorman.
3. An act authorizing Mary Jackson to bind out her infant children.
4. An act to amend an act, entitled, an act to establish the town of Landing, in Boone county.
5. An act to amend an act, entitled, an act giving officers and crews, and mechanics and others, a lien on steamboats, approved January 30, 1839.
6. An act to appoint Commissioners to close the concerns of the Shepherdsville Bank.

The 1st, 2d, 3d and 4th bills were ordered to be read a third time, and the 5th and 6th were placed in the orders of the day.

The constitutional rule as to the third reading of the 1st, 2d, 3d and 4th bills being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as afore-said.

Mr. Wickliffe, from the committee to whom was referred a bill to provide more effectually for the preservation and keeping of the public books deposited with the Clerks of this Commonwealth, reported the same with an amendment—which was concurred in.

The question being taken on engrossing the said bill and reading it a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rice, and Wickliffe, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hughes,	Wallace,
Messrs. Anderson,	James,	Walker, C. J.
Bradshaw,	Morgan, J. S.	Weller,
Burnett,	Pitts,	Wickliffe,
Davidson,	Pratt,	Wingate,
De Courcy,	Schooling,	Young—20.
Guthrie,	Tomlinson,	

Those who voted in the negative were—

Messrs Ballinger,	Jasper,	Payne,
Barlow,	Jesup,	Rice,
Clarke,	Johnston,	Walker, J. V.
Ford,	Murrell,	Williams—13.
Huston,		

Leave was given to bring in the following bills, viz:

On the motion of Mr. Schooling—1. A bill to amend an act, entitled, an act to amend an act incorporating the Springfield, Perryville and Danville Turnpike Road Company.

On the motion of Mr. De Courcy—2. A bill relative to the Deaf and Dumb Asylum of this State.

The committee of Internal Improvement was directed to prepare and bring in the 1st, and Messrs. De Courcy, Wingate and Burnett were appointed a committee to prepare and bring in the 2d.

On the motion of Mr. Ballinger, a message was sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the benefit of Emily Henry. After a short time the said bill was returned to the Senate.

A message, in writing, was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

An engrossed bill, entitled, an act to restore the privileges of the Banks when they shall resume specie payments, was read the third time.

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ford and Huston, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Dixon,	Roberts,
Messrs. Anderson,	Guthrie,	Slaughter,
Ballinger,	Huston,	Sterett,
Barlow,	Johnston,	Wallace,
Bradshaw,	Morgan, D.	Walker, J. V.
Clarke,	Morgan, J. S.	Williams,
Davidson,	Murrell,	Wingate,
De Courcy,	Payne,	Young—24.

Those who voted in the negative were—

Messrs. Burnett,	James,	Schooling,
Ford,	Jasper,	Walker, C. J.
Hughes,	Rice,	Weller—9.

Resolved, That the title of the said bill be as aforesaid.

An engrossed bill, entitled, an act authorizing limited partnerships in this Commonwealth, was read the third time as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That limited partnerships, for the transaction of any mercantile, mechanical, or manufacturing business, within this State, may be formed by two or more persons, upon the terms, with the rights and powers, and subject to the conditions and liabilities herein prescribed; but the provisions of

this act shall not be construed to authorize any such partnership for the purpose of banking or making insurance.

SEC. 2. That such partnerships may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible, as general partners now are by law, and of one or more persons, who shall contribute, in actual cash payments, a specific sum, as capital, to be common stock, who shall be called special partners, and who shall not be liable for the debts of the partnership, beyond the fund so contributed by him or them to the capital.

SEC. 3. That the general partners only shall be authorized to transact business, and sign for the partnership, and to bind the same.

SEC. 4. The persons desirous of forming such partnerships shall make, and severally sign, a certificate, which shall contain--1st. The name and style of the firm under which such partnership is to be conducted. 2d. The general nature of the business intended to be transacted. 3d. The names of all the general and special partners interested therein, distinguishing which are general, and which are special partners, and their respective places of residence. 4th. The amount of capital which each special partner shall have contributed to the common stock. 5th. The period at which the partnership is to commence, and the period at which it will terminate.

SEC. 5. That said certificate shall be acknowledged by the several partners who shall sign the same before the clerk of the county court of the county where the partnership is to be carried on, and there certified and recorded in a separate book to be kept for that purpose, in the same manner as the acknowledgment and conveyances of land are required to be recorded; and said record shall be open to public inspection; and should the partnership have places of business situated in different counties, a transcript of the certificate and of the acknowledgment thereof, duly certified by the clerk in whose office the original was filed and recorded, under his official seal, shall be filed and recorded, in like manner, in the office of the clerk of any such county.

SEC. 6. That, at the time of filing the original certificate, with the evidence of acknowledgment thereof, as before directed, an affidavit of one or more of the general partners shall also be filed in the same office, and recorded with the certificate aforesaid, stating that the sums specified in the certificate, to have been contributed by each of the special partners to the common stock, have been actually, and in good faith, paid in cash.

SEC. 7. That no such limited partnership shall be deemed to have been formed until a certificate shall have been made, acknowledged, filed, and recorded, nor until an affidavit shall have been filed and recorded as above directed; and if any false statement be made in such certificate, or affidavit, all the persons interested in such partnership shall be liable for all the engagements thereof, as general partners.

SEC. 8. That the partners shall publish the terms of the partnership, when recorded, for at least three months immediately after such registry, in two newspapers printed in the Senatorial district in which the partnership is to be carried on--the newspapers to be designated by the clerk of the county where such certificate is recorded: and if there be not two newspapers printed in the Senatorial district, then the clerk shall direct that said certificate may be published in any two newspapers printed in the State, which he

may direct; and if such publication be not made, the partnership shall be deemed general.

SEC. 9. That certificates and affidavits of the publication of such notice, by the printers, proprietors, or editors, of the newspapers in which the same shall be published, may be filed with the clerk directing the same, and there recorded; and the originals or certified copies from the record shall be evidence of the facts therein contained.

SEC. 10. That every renewal or continuance of such partnership, beyond the time originally fixed for its duration, shall be certified, acknowledged, recorded, and with an affidavit of one or more of the several partners, as required in the first instance, and notice thereof be given in the manner herein required for its original formation; and every such partnership, which shall be otherwise renewed or continued, shall be deemed a general partnership.

SEC. 11. That every alteration which shall be made in the names of the partners, in the nature of the business, or in the capital, or shares thereof, or in any other matter specified in the original certificate, shall be deemed a dissolution of the partnership; and every such partnership which shall, in any manner, be carried on after any such alteration shall have been made, shall be deemed a general partnership, unless renewed as a special partnership, according to the provisions of the last section.

SEC. 12. That the business of the partnership shall be conducted under a firm, in which the names of the general partners only shall be inserted, without the addition of the word "company," or any other general term; and if the name of any special partner shall be used in such firm, with his privity, he shall be deemed a general partner.

SEC. 13. That suits, in relation to the business of the partnership, may be brought and conducted, by and against the general partners, in the same manner as if there were no special partners; and the names of the special partners shall not be used as plaintiffs or defendants in suits, in relation to the business of the partnership, except on allegation and proof that such special partner or partners have so acted, in contravention of the provisions of this act, as to be liable as a general partner.

SEC. 14. That no part of the sum which any special partner shall have contributed to the capital stock, shall be withdrawn by him, or paid or transferred to him, in the shape of dividends, profits, or otherwise, at any time during the continuance of the partnership; but any partner may annually receive lawful interest on the sum so contributed by him, if the payment of such interest shall not reduce the original amount of such capital; and if, after the payment of such interest, any profits shall remain to be divided, he may also receive his portion of such profits.

SEC. 15. That if it shall appear that, by the payment of interest or profits to any special partner, the original capital has been reduced, the partner receiving the same shall be bound to restore the amount necessary to make good his share of capital, with interest, provided that the knowingly receiving interest, or pretended profits, where the condition of the partnership will not authorize the payment of interest or profits, without reducing the amount of the capital of the firm, shall make the special partner, receiving the same, liable as a general partner.

SEC. 16. That a special partner may, from time to time, examine into the state and progress of the partnership concerns, and may advise as to their management; but he shall not transact any business on account of the part-

nership, nor be employed for that purpose as agent, attorney, or otherwise; and if he shall interfere, contrary to these provisions, he shall be deemed a general partner.

SEC. 17. The several partners shall be liable to account to each other, and to the special partners, for their management of the concern, both in law and equity, as other partners are by law.

SEC. 18. That every partner who shall be guilty of any fraud in the affairs of the partnership shall be liable, civilly, to the party injured, to the extent of his damage, and shall, also, be liable to an indictment for a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the jury trying the case.

SEC. 19. That every sale, assignment or transfer, of the property or effects of such partnership, made by such partnership, or any member thereof, when insolvent, or in contemplation of insolvency, or after or in contemplation of the insolvency of any partner, with the intent of giving a preference to any creditor of such partnership or insolvent, over other creditors of such partnership, and every judgement confessed, lien created, or security given, by such partnership, under the like circumstances, and with like intent, shall be void, as against the creditors of such partnership.

SEC. 20. That every such sale, assignment, or transfer of any of the property or effects of a general or special partner, made by such general or special partner, when insolvent, or in contemplation of insolvency, or after or in contemplation of the insolvency of the partnership, with the intent of giving to any creditor of his own, or of the partnership, a preference over creditors of the partnership, and every judgment confessed, lien, created, or security given, by any such partner, under the like circumstances, and with the like intent, shall be void as against the creditors of the partnership.

SEC. 21. That every special partner, who shall violate any provision of the two last preceding sections, or who shall concur in, or assent to, any such violation, by the partnership, or by any individual partner, shall be liable as a general partner.

SEC. 22. That, in case of the insolvency or bankruptcy of the partnership, no special partner shall, under any circumstances, be allowed to claim, as a creditor, until the claims of all the other creditors of the partnership shall be satisfied.

SEC. 23. That no dissolution of such partnership, by the acts of the parties, shall take place previous to the time specified in the certificate of its formation, or in the certificate of its renewal, until a notice of such dissolution shall have been filed and recorded in the clerk's office in which the original certificate was recorded, and published once in each week, for four weeks, in a newspaper printed in each of the counties where the partnership may have places of business, if there be a newspaper printed in the county, and, if not, then in a newspaper printed nearest thereto.

The question was taken on the passage of the said bill, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Wickliffe and Davidson, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Guthrie,	Sterett,
Messrs. Ballinger,	Jasper,	Wallace,
Barlow,	Payne,	Walker, J. V.
Burnett,	Pratt,	Williams,
Dixon,	Slaughter,	Wingate—16.
Ford,		

Those who voted in the negative were—

Messrs. Bradshaw,	Jesup,	Schooling,
Clarke,	Johnston,	Walker, C. J.
Davidson,	Morgan, J. S.	Weller,
De Courcy,	Murrell,	Wickliffe,
Hughes,	Rice,	Young—16.
Huston,		

And then the Senate adjourned.

SATURDAY, FEBRUARY 8, 1840.

A message was received from the House of Representatives, announcing that they had disagreed to the amendments proposed by the Senate to a bill from that House, entitled, an act to explain and enforce an act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24, 1834—and an act to amend said act, approved February 8, 1839.

That they had passed bills which originated in the Senate, of the following titles, viz:

An act to amend the laws regulating civil proceedings, and for other purposes.

Aa act to amend the 9th section of an act, entitled, an act for regulating the solemnization of marriages, approved February 3d, 1798.

An act to amend the law in civil proceedings.

And that they had passed bills of the following titles, viz:

An act for the benefit of T. N. Burgess.

An act for the benefit of Fanny, and others.

An act to change the time of holding the Circuit Courts in the 2d Judicial District.

Mr. Ballinger moved to reconsider the vote concurring in the report of

the committee of Propositions and Grievances, rejecting the petition to add a part of Pulaski county to the county of Rockcastle.

The question being taken thereon, it was decided in the negative, the rule of the Senate requiring a vote of two thirds.

The yeas and nays being required thereon by Messrs. Ballinger and Huston, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Huston,	Roberts,
Messrs. Ballinger,	Morgan, J. S.	Schooling,
Barlow,	Murrell,	Walker, C. J.
Bradshaw,	Payne,	Weller,
Davidson,	Pitts,	Wickliffe—17.
Ford,	Pratt,	

Those who voted in the negative were—

Messrs. Anderson,	Jasper,	Walker, J. V.
Burnett,	Jesup,	Williams,
De Courcy,	Morgan, D.	Wingate,
Dixon,	Sterett,	Young—14.
Hughes,	Tomlinson,	

Mr. De Courcy moved that a message be sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the benefit of Permelia Hawley.

The question being taken thereon, it was decided in the negative.

Mr. Ballinger moved to reconsider the vote disagreeing to a bill from the House of Representatives, entitled, an act for the benefit of Emily Henry.

The question being taken thereon, it was decided in the negative.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz :

An act to establish a new Judicial District, and for other purposes.

An act declaratory of the law of 1831, in relation to tipping houses, &c.

An act for the benefit of Mary Ann Winebrinner, and her infant child, George Ann Winebrinner.

An act for the benefit of the heirs of James Honaker, deceased.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz :

An act to incorporate the town of Uniontown, in Union county.

An act to legalize the acts of the Trustees of Hodgenville, and for other purposes.

An act for the benefit of Philip Board, of Hancock county.

An act to increase the number of juridical days allowed the Circuit Court of Hardin county, and for other purposes.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Randolph Robinson, and others, reported the same with the opinion of the committee that it ought not to pass. An amendment was offered to the said bill by Mr. Barlow ; and on the motion of Mr. Guthrie, the bill and amendment were laid on the table until the first day of June next.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to establish the town of New Boston, in Daviess county, and to increase the powers of the Trustees of the town of Monticello, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by striking out "New Boston," and inserting "Burtonsville."

Mr. Guthrie, from the same committee, to whom was referred a bill to establish a new Judicial District, and for other purposes, reported the same, and it was laid on the table.

Mr. Guthrie, from the same committee, to whom was referred the petition of Uriah B. Chambers, praying for a change of venue, reported the following resolution thereon, viz :

Resolved, That the said petition be rejected—which was twice read and laid on the table.

On the motion of Mr. Guthrie, the committee on the Judiciary was discharged from the duty of preparing and bringing in the following bills, viz :

A bill to repeal the 7th, 8th and 9th sections of an act supplemental to an act providing for the compensation of jurors, approved February 23d, 1837.

A bill to increase the jurisdiction of magistrates in this Commonwealth to sums of one hundred dollars.

A bill to amend the law in relation to chancery proceedings.

A bill to amend the law in civil proceedings.

And from the further consideration of a resolution to enquire into the propriety of placing Clerks on the civil list.

On the motion of Mr. Rice, the committee of Propositions and Grievances was discharged from the further consideration of the petitions of sundry citizens of Covington and its vicinity, in relation to the county of Kenton, presented by Mr. De Courcy on the 4th and 6th instant, and the petition of sundry citizens for a geological survey of the State.

Mr. Huston, from the committee of Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to establish election precincts in Franklin, Kenton and Campbell counties, reported the same with an amendment—which was concurred in.

The said bill was further amended, and ordered to be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title be amended by striking out "Franklin."

The following bills were reported, viz :

By Mr. Guthrie, from the committee on the Judiciary—1. A bill requiring annual examinations of the several Clerks' offices in this Commonwealth to be made out and returned to the Auditor's office.

2. A bill for the benefit of the Bank of Kentucky.

By Mr. Rice, from the committee of Propositions and Grievances—3. A bill to establish an election precinct in the county of Montgomery.

By Mr. Huston, from the committee of Privileges and Elections—4. A bill to repeal an act, entitled, an act to change the place of voting from Greenville C. Alfred's, in Washington county, to William Sutherlands,' approved January 23d, 1840.

By Mr. Ballinger, from the committee of Internal Improvement—5. A bill further to provide for the internal improvement of this Commonwealth.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the 1st, 2d and 5th bills being dispensed with, the 1st was referred to the committee on the Judiciary; the 2d to the committee of Finance, and the 5th to the committee of Internal Improvement, and the Public Printer was directed to print 150 copies of the 5th bill for the use of the General Assembly.

The constitutional rule as to the second and third readings of the 3d and 4th bills being dispensed with, and the same being engrossed, and the third amended,

Resolved, That the said bills do pass, and that the title of the third be

amended to read, an act to establish election precincts in the counties of Montgomery and Barren, and that the title of the fourth be as aforesaid.

Mr. Ballinger, from the committee of Internal Improvement, reported a bill to secure the bridges erected on the turnpike roads, and for other purposes, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, Mr. Wickliffe moved to amend the said bill by striking out these words, viz: "That all sleighs passing on said roads shall be liable to pay the toll of two wheeled pleasure carriages."

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Burnett were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Tomlinson,	Weller,
Morgan, J. S.	Walker, C. J.	Wickliffe—6.

Those who voted in the negative were—

Mr. Speaker,	Guthrie,	Roberts,
Messrs. Ballinger,	Hughes,	Schooling,
Barlow,	Huston,	Slaughter,
Bradshaw,	James,	Sterett,
Burnett,	Jasper,	Wallace,
Davidson,	Jesup,	Walker, J. V.
De Courcy,	Murrell,	Williams,
Dixon,	Payne,	Wingate,
Ford,	Pratt,	Young—27.

The question was then taken on engrossing the said bill and reading it a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Tomlinson and Sterett, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Ford,	Pratt,
Messrs. Ballinger,	Guthrie,	Roberts,
Barlow,	Hughes,	Slaughter,
Bradshaw,	Huston,	Sterett,
Davidson,	Murrell,	Wallace,
Dixon,	Payne,	Wingate—18.

Those who voted in the negative were—

Messrs. Anderson,	Morgan, J. S.	Weller,
Burnett,	Schooling,	Wickliffe,
James,	Tomlinson,	Williams,
Jasper,	Walker, C. J.	Young—14.
Jesup,	Walker, J. V.	

And then the Senate adjourned.

MONDAY, FEBRUARY 10, 1840.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to amend the law in relation to idiots and lunatics.

That they had passed a bill, entitled, an act to change the time of holding, and to extend the terms of the Green and Hart Circuit Courts.

The said bill was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, it was referred to the committee on the Judiciary.

1. Mr. Payne presented the petition of the members of the bar of the Mason Circuit Court, praying for the repeal of the law establishing a February term of the Mason Circuit Court, for the trial of chancery causes.

2. Mr. D. Morgan presented the petition of the members of the County Court of Fleming, praying that the time of laying the levy for said county, and the time for the Sheriff to return his delinquent list, may be changed from the October to the May term of said court in each year.

3. Mr. Jasper presented the remonstrance of sundry citizens of the Cumberland river division of the State, against raising the taxes or borrowing money to carry out the system of Internal Improvement, until justice be done to that part of the State.

4. Mr. Slaughter presented the petition of sundry citizens of Nelson county, praying for permission to erect a dam on the south side of an island in the Beech Fork of Salt river, to improve the navigation of said stream.

5. Mr. Wingate presented a supplemental petition of Uriah B. Chambers, for a change of venue.

Which were severally received and referred: the 1st, 2d, and 5th, to the committee on the Judiciary, and the 3d and 4th to the committee of Internal Improvement.

Three messages, in writing, were received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, two of the said message were taken up and read as follows, viz:

EXECUTIVE OFFICE,
February 10, 1840. }

Gentlemen of the Senate:

I nominate for your advice and consent, Mason Brown, Esq. to be Circuit Court Judge, for the 17th Judicial District; and Richard Logan to

be Commonwealth's Attorney for the 4th Judicial District, in place of George B. Kinkead, resigned; and George B. Kinkead to be Commonwealth's Attorney in the 17th Judicial District.

Respectfully,
C. A. WICKLIFFE.

EXECUTIVE OFFICE,
February 10, 1840. }

Gentlemen of the Senate :

I nominate for your advice and consent, George W. Johnson, to be Colonel of the 18th Regiment, in place of George Wilcox, resigned.

P. L. D. Mitchell, to be Lieutenant Colonel of the 18th Regiment, in place of George W. Johnson, if promoted.

T. W. Harford, to be Major of the 18th Regiment, in place of P. L. D. Mitchell, if promoted.

Conrod Kirtz, to be Colonel of the 27th Regiment, in place of Griffith Crume, resigned.

Thomas Speed, to be Lieutenant Colonel of the 27th Regiment, in place of Joseph Y. Sweazy, removed.

Joshua Brookhart, to be Major of the 27th Regiment.

James Lawson, to be Colonel of the 85th Regiment, in place of Isaac Houseworth, resigned.

Casper Hinkle, to be Lieutenant Colonel of the 85th Regiment, in place of John Frazer, resigned.

Edward King, to be Major of the 85th Regiment, in place of James Lawson, if promoted.

Christopher Fry, to be Major of the 36th Regiment, in place of Christie Schobee, resigned.

Respectfully,
C. A. WICKLIFFE.

Resolved, That the Senate advise and consent to the appointment of the several persons as nominated in the said messages.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act authorizing the County Court of Daviess county to change that part of the State road leading from the mouth of Salt river to Shawnetown, which lies within the limits of the town of Owenborough, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz :

On the motion of Mr. Davidson—1. A bill to give further time to the Stanford Seminary to locate their lands.

On the motion of Mr. Guthrie—2. A bill to authorize Agents and Attorneys to make affidavit and sue out distress warrants, and other process, in certain cases.

3. A bill defining certain powers and duties of the Trustees of the town of Winchester, and for other purposes.

Messrs. Davidson, Dixon and Ballinger were appointed a committee to prepare and bring in the 1st, and the committee on the Judiciary was directed to prepare and bring in the 2d and 3d.

After a short time the said bills were reported from the said committees, read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the first being dispensed with, it was referred to the committee on Education.

The constitutional rule as to the second and third readings of the 2d and 3d bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Wingate, leave was given to bring in a bill for the benefit of Edward S. Coleman, Sheriff of Franklin county, and the committee of Finance was directed to prepare and bring in the same.

On the motion of Mr. Guthrie, the committee on the Judiciary was discharged from the further consideration of the petition of sundry citizens of Lewis county, praying for the passage of a law for punishing counterfeiting bank notes, and the petition of the central Board of Internal Improvement, west of the Tennessee river, relative to the books of the Receiver of Public Moneys.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the petition of Thomas S. Burton, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Guthrie, from the same committee, to whom was referred a bill to punish the crime of swindling, reported the same with the opinion of the committee that it ought not to pass.

The said bill was amended, and recommitted to the committee on the Judiciary.

The following bills were reported, viz:

By Mr. Ballinger, from the committee of Internal Improvement—I. A bill to amend an act, entitled, an act to amend an act incorporating the Springfield, Perryville and Danville Turnpike Road Company.

By Mr. Guthrie, from the committee on the Judiciary—2. A bill for the benefit of William Withers and wife.

3. A bill to repeal the February chancery term in the county of Mason.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second reading of the 2d bill being dispensed with,

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the second and third readings of the 1st and 3d bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill requiring annual examinations of the several Clerk's offices in this Commonwealth to be made out and returned to the Auditor's office, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill concerning the Lexington and Ohio Railroad Company, was amended, and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The report of the committee of conference on a bill from the House of Representatives, entitled, an act giving Justices of the Peace jurisdiction in actions of trespass, and trespass on the case, where the damages laid are five pounds or under, was twice read and concurred in.

Engrossed bills of the following titles were each read the third time, viz:

An act to amend the execution laws of this Commonwealth, and for other purposes.

An act to provide more effectually for the preservation and keeping of the public books deposited with the Clerks of this Commonwealth.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

An engrossed bill, entitled, an act to secure the bridges erected on the turnpike roads, and for other purposes, was read the third time.

The question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Payne, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Ballinger,
Barlow,
Bradshaw,
Davidson,
Dixon,

Ford,
Guthrie,
Hughes,
Huston,
Morgan, D.

Murrell,
Payne,
Slaughter,
Wallace,
Wingate—16.

Those who voted in the negative were—

Messrs. Burnett,
De Courcy,
James,
Jasper,
Jesup,

Morgan, J. S.
Schooling,
Tomlinson,
Walker, C. J.

Walker, J. V.
Weller,
Wickliffe,
Williams—13.

Resolved, That the title of the said bill be as aforesaid.

Bills from the House of Representatives of the following titles, were severally read the third time, as amended, viz:

An act to allow an additional Justice of the Peace in Pendleton county.

An act for the benefit of Rachel Watts, and her children.

An act for the benefit of Harriet and Alexander Howison.

An act allowing additional Constables to Mason, Rockcastle, Oldham and Pulaski counties, and to change a Constable's district in Russell county.

Resolved, That the said bills, as amended, do pass, and that the titles of the 1st, 2d and 3d be as aforesaid, and that the title of the 4th be amended to read, "an act allowing additional Constables and Justices of the Peace to certain counties, and for other purposes.

A bill to amend the election laws of this Commonwealth, was ordered to be engrossed and read a third time.

Bills from the House of Representatives of the following titles, were each ordered to be read a third time, viz:

An act for the benefit of Ann Cable.

An act to appoint Commissioners to close the concerns of the Shepherdsville Bank.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to confer certain powers on the Quarter Master General, was taken up.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Bills from the House of Representatives of the following titles, were severally read the first time, and ordered to be read a second time, viz:

An act for the benefit of T. N. Burgess.

An act for the benefit of Fanny, and others.

An act to change the time of holding the Circuit Courts in the 2d Judicial District.

The constitutional rule as to the second reading being dispensed with, the said bills were referred to the committee on the Judiciary.

A bill from the House of Representatives, entitled, an act to amend an

act, entitled, an act to establish the Southern Bank of Kentucky, approved February 20th, 1839, was read the third time.

The question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Ballinger and Murrell, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Morgan, D.	Wallace,
Messrs. De Courcy,	Morgan, J. S.	Walker, J. V.
Guthrie,	Murrell,	Weller,
James,	Payne,	Wickliffe,
Jesup,	Slaughter,	Wingate—16.
Johnston,		

Those who voted in the negative were—

Messrs. Anderson,	Ford,	Pratt,
Ballinger,	Hughes,	Rice,
Barlow,	Huston,	Schooling,
Bradshaw,	Jasper,	Williams,
Burnett,	Pitts,	Young—16.
Davidson,		

Mr. Pitts moved that the last vote be reconsidered.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ford and Davidson, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	James,	Slaughter,
Messrs. Barlow,	Jesup,	Wallace,
Bradshaw,	Johnston,	Walker, J. V.
Burnett,	Morgan, D.	Weller,
Davidson,	Morgan, J. S.	Wickliffe,
De Courcy,	Murrell,	Williams,
Dixon,	Payne,	Wingate—23.
Guthrie,	Pitts,	

Those who voted in the negative were—

Messrs. Anderson,	Huston,	Schooling,
Ballinger,	Jasper,	Walker, C. J.
Ford,	Pratt,	Young—11.
Hughes,	Rice,	

The question was again taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ford and Weller, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Morgan, D.	Wallace,
Messrs. De Courcy,	Morgan, J. S.	Walker, J. V.
Dixon,	Murrell,	Weller,
Guthrie,	Payne,	Wickliffe,
James,	Pitts,	Williams,
Jesup,	Slaughter,	Wingate—19.
Johnston,		

Those who voted in the negative were—

Messrs. Anderson,	Davidson,	Pratt,
Ballinger,	Ford,	Rice,
Barlow,	Hughes,	Schooling,
Bradshaw,	Huston,	Walker, C. J.
Burnett,	Jasper,	Young—15.

Resolved, That the title of the said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act to equalize the salaries of the Circuit Judges of this Commonwealth, was read the third time, as amended.

The question being taken on the passage of the said bill, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Guthrie and Davidson, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Jesup,	Schooling,
Burnett,	Johnston,	Slaughter,
De Courcy,	Morgan, D.	Wallace,
Ford,	Payne,	Walker, C. J.
Hughes,	Pitts,	Wingate,
James,	Pratt,	Young—20.
Jasper,	Rice,	

Those who voted in the negative were—

Mr. Speaker,	Dixon,	Murrell,
Messrs. Ballinger,	Guthrie,	Weller,
Barlow,	Huston,	Wickliffe,
Bradshaw,	Morgan, J. S.	Williams—13.
Davidson,		

Resolved, That the title of the said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act to repeal all laws authorizing the Sheriffs of this Commonwealth to return delinquent lists, was taken up.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the State of the Commonwealth, Mr. Barlow in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Barlow reported that the committee had, according to order, had under consideration a bill from the House of Representatives, entitled, an act to tax corporations, and had made some progress therein, but not having time to go through with the same, had directed him to ask for leave to sit again—which was granted.

On the motion of Mr. Guthrie, leave was given to bring in the following bills, viz:

A bill to incorporate the Louisville Iron Company.

A bill to incorporate the Louisville Cotton Factory; and the committee on the Judiciary was directed to prepare and bring in the same.

And then the Senate adjourned.

TUESDAY, FEBRUARY 11, 1840.

A message was received from the House of Representatives, announcing that they had received official information that the Lieutenant and Acting Governor had approved and signed enrolled bills which originated in that House, of the following titles, viz:

An act to amend an act to incorporate the Trenton Female Academy, in Todd county.

An act to repeal an act incorporating the town of Brownsborough.

An act to amend an act, entitled, an act to incorporate the Bowlinggreen Life, Fire and Marine Insurance Company.

An act for the benefit of James C. Sprigg and others.

An act to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a Railroad between the said city and river.

An act to incorporate the Crab Orchard Seminary, in Lincoln county.

An act authorizing the Trustees of the Pendleton Academy to loan the funds of the institution upon bonds and obligations.

An act for the benefit of David Jameson.

An act for the benefit of Gabrella Mathews.

An act for the benefit of James and Keziah Rogers.

An act for the benefit of the Sheriff of Pendleton county.

An act to amend the jury law.

An act for the benefit of Elizabeth Ward and Rebecca B. Sloan.
An act for the benefit of the Jailer of Hancock county.
An act for the benefit of the heirs of John Roney.
An act to change the time of holding the Oldham County Court.
An act to amend the several acts incorporating the town of Williamstown, and for other purposes.

An act to regulate the number of Justices of the Peace for Campbell county.

An act for the benefit of the Sheriff of Lewis county.

An act for the benefit of the Sheriff of Oldham county.

An act for the benefit of the Sheriff of Harrison county.

An act for the benefit of the heirs of William Winslow, late Clerk of the Gallatin Circuit Court.

An act to authorize the County Court of Breathitt to raise funds for the erection of their public buildings, and for other purposes.

An act for the benefit of William B. Parker, late Sheriff of Lewis county.

An act concerning the General Court.

An act for the benefit of the securities of Alfred L. Hargis, late Sheriff of Christian county.

An act to incorporate the Louisville Franklin Lyceum.

An act to prevent the burning of the woods in certain counties, and for other purposes.

An act for the benefit of Edward Donoho.

An act to establish a seminary of learning in Morgantown, and for other purposes.

An act to amend the law limiting actions for the recovery of land by females and their heirs.

Approved February 7, 1840.

An act to establish a new Judicial District, and for other purposes.

An act for the benefit of the heirs of James Honaker, deceased.

An act for the benefit of Mary Ann Winebrinner, and her infant child, George Ann Winebrinner.

An act declaratory of the law of 1831, in relation to tippling houses, &c.

Approved February 8, 1840.

That they had concurred in the first and second and disagreed to the third amendment proposed by the Senate to a bill from that House, entitled, an act to regulate the fees of County Court Clerks.

That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz :

An act to establish the town of New Boston, in Daviess county, and to increase the powers of the Trustees of the town of Monticello.

An act to amend an act, entitled, an act to amend the act further to regulate the Wilderness turnpike road, approved January 27th, 1838.

An act for the benefit of the Fire Company in the town of Augusta.

An act for the benefit of Nancy Turner.

An act to establish election precincts in Franklin, Kenton and Campbell counties.

An act to provide for paying the expense of keeping prisoners, previous to and pending their examination before Justices of the Peace.

An act for the benefit of John Blankenship.

That they had dissagreed to bills from the Senate of the following titles, viz:

An act for the benefit of Elizabeth Higby.

An act for the benefit of Levi Giles.

An act authorizing the building of mills and dams upon Trammel's Fork of Drake's creek.

That they had passed bills which originated in the Senate, of the following titles, viz:

An act providing for a change of venue in the case of the Commonwealth against Joseph McMillen.

An act to establish a State road from Hartford to Russellville.

An act to amend an act, entitled, an act to establish a State road from Shelbyville, by Floyd'sburg and Brownsboro', to Harmony Landing, on the Ohio river.

An act to divorce Elizabeth Penn from her husband, Warner Penn.

An act for the divorce of Granville C. Brown.

An act for the divorce of Thomas Isbell.

An act for the benefit of Lewis W. Kirtly.

An act for the benefit of Charlotte Stivers.

An act for the benefit of David Jones, late Sheriff of Mercer county.

An act for the benefit of the jailers of Bullitt and Breckinridge counties.

An act for the benefit of Edwin Land.

An act to restore the privileges of the Banks when they resume specie payments.

With amendmensts to the two last named bills.

That they had concurred in the preamble and resolutions concerning the public lands, and a resolution providing for a settlement of the accounts of the Commissioners for Green and Barren rivers, with an amendment to the last named resolution.

That they had adopted a resolution in relation to the duty on salt.

And that they had passed bills of the following titles, viz:

1. An act to amend an act, entitled, an act to incorporate the Munfordsville Bridge Company.

2. An act to change a part of the State road from Brandenburg to Bowlinggreen, and for other purposes.

3. An act to provide for framing the Portrait of D. Boone, and for other purposes.

4. An act to amend the charter of the Owingsville, Mountsterling and Winchester Turnpike Road Company.

5. An act for the incorporation of the Tan Theta Kappa Society of Georgetown College.

6. An act regulating the Wayne, Russell and Casey Circuit Courts.

7. An act for the benefit of Betsy Ann Lambert.

8. An act for the benefit of Harris W. Thompson.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st, 2d and 4th to the committee of Internal Improvement; the 3d and 5th to the committee on Education; the 6th to the committee on the Judiciary; the 7th to the committee on Religion, and the 8th to the committee on Military Affairs.

Mr. Pitts presented the petition of Sylvanus Johnson, praying for the passage of a law releasing him from the penalty for bringing two slaves into this State, which was received and referred to the committee on the Judiciary.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of T. N. Burgess, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill subjecting slaves emancipated to the payment of debts, and for other purposes, reported the same, and it was laid on the table.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act to amend the charter of the Oakland Turnpike Road Company.

An act for the benefit of the Lexington and Georgetown Turnpike Road Company.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Ballinger, from the same committee, to whom was referred a bill

further to provide for the internal improvement of this Commonwealth, reported the same without amendment. The consideration of the said bill was postponed and made the order of the day for to-morrow.

On the motion of Mr. Ballinger, the committee of Internal Improvement was discharged from the duty of preparing and bringing in a bill to provide for the improvement of the Capitol Square, and for the better security of the public property.

On the motion of Mr. Johnston, the committee of Finance was discharged from the further consideration of the petition of William Hunter, to be reimbursed money paid by him towards rebuilding the Capitol in 1814.

Mr. Johnston, from the committee of Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Armstead Crane, reported the same without amendment. The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Clerk of the County Court of Logan be, and he is hereby, authorized to issue a license to Armstead Crane of said county, to peddle goods, wares and merchandize, without said Crane's paying for the same.

The question being taken on reading the said bill a third time, and it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. J. V. Walker and Hughes, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Jesup,	Tomlinson,
Bradshaw,	Morgan, D.	Walker, J. V.
De Courcy,	Murrell,	Weller,
Dixon,	Schooling,	Williams,
Ford,	Slaughter,	Young—16.
James,		

Those who voted in the negative were—

Mr. Speaker,	Hughes,	Pratt,
Messrs. Anderson,	Huston,	Rice,
Ballinger,	Johnston,	Wallace,
Burnett,	Morgan, J. S.	Walker, C. J.
Clarke,	Payne,	Wickliffe,
Davidson,	Pitts,	Wingate—19.
Guthrie,		

Mr. Johnston, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of George W. Bowman, deputy Sheriff of Casey county.

An act for the benefit of Samuel Simpson, deputy Sheriff of Green county.

Reported the same, the former without amendment, and the latter with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative, and so the said bills were disagreed to.

Mr. Johnston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Isaac Jones, committee of Ruth Jones, of Green county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Guthrie, from the committee on the Judiciary—A bill authorizing the Fleming County Court to lay their levy at the May term.

A bill to incorporate the Louisville Iron Company.

A bill to incorporate the Louisville Cotton Factory.

By Mr. Johnston, from the committee on Finance—A bill for the benefit of Edward S. Coleman, late Sheriff of Franklin county.

A bill for the benefit of John Rankin, Sen'r, of Clarke county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. J. S. Morgan moved to take up the following message of the Lieutenant and Acting Governor, viz:

EXECUTIVE OFFICE,
February 7, 1840. }

Gentlemen of the Senate:

I nominate for your advice and consent, James T. Morehead, to be President of the Board of Internal Improvement, and James R. Skiles, Samuel Daviess and Thomas Metcalfe, to be members of the Board of Internal Improvement—the commissions of all of whom are about to expire.

C. A. WICKLIFFE.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Anderson,
Ballinger,

Clarke,
Davidson,
Ford,

Johnston,
Morgan, D.
Morgan, J. S.

Murrell,
Payne,
Pitts,
Slaughter,

Wallace,
Walker, C. J.
Walker, J. V.

Weller,
Wickliffe,
Wingate—19.

Those who voted in the negative were—

Messrs. Barlow,
Bradshaw,
Burnett,
Dixon,
Guthrie,

Hughes,
Huston,
James,
Jesup,
Pratt,

Rice,
Schooling,
Tomlinson,
Williams,
Young—15.

Mr. Pitts moved that the last vote be reconsidered.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Tomlinson and Anderson, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,
Barlow,
Bradshaw,
Burnett,
De Courcy,
Dixon,
Hughes,

Huston,
James,
Jasper,
Jesup,
Pratt,
Rice,

Schooling,
Tomlinson,
Wallace,
Williams,
Wingate,
Young—19.

Those who voted in the negative were—

Mr. Speaker,
Messrs. Ballinger,
Clarke,
Davidson,
Ford,
Guthrie,

Johnston,
Morgan, D.
Morgan, J. S.
Murrell,
Payne,

Pitts,
Slaughter,
Walker, C. J.
Weller,
Wickliffe—16.

The question was again taken on taking up the said message, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Dixon and Tomlinson, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Ballinger,
Clarke,
Davidson,
Ford,
Johnston,

Morgan, D.
Morgan, J. S.
Murrell,
Payne,
Pitts,
Slaughter,

Wallace,
Walker, C. J.
Walker, J. V.
Weller,
Wickliffe,
Wingate—18.

Those who voted in the negative were—

Messrs. Anderson,	Guthrie,	Pratt,
Barlow,	Hughes,	Rice,
Bradshaw,	Huston,	Schooling,
Burnett,	James,	Tomlinson,
De Courcy,	Jasper,	Williams,
Dixon,	Jesup,	Young—18.

Mr. Wickliffe moved to take up the following message from the Lieutenant and Acting Governor, received on yesterday, viz :

EXECUTIVE DEPARTMENT,
Frankfort, February 10, 1840. }

*Gentlemen of the Senate,
and House of Representatives :*

I have received from His Excellency the Governor of Vermont, a resolution of the Senate and House of Representatives of that State, in relation to the distribution among the several States of the proceeds of the public lands of the general government.

I have also received a copy of the Resolutions passed by the Legislative Council and General Assembly of the State of New Jersey, upon the subject of the resolutions and acts of the House of Representatives of the U. States, excluding from the twenty sixth Congress a portion of the representatives of the State of New Jersey ; which several resolutions I have been requested to lay before the Legislature of Kentucky.

Respectfully,

C. A. WICKLIFFE.

The question being taken on taking up the said message, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Wallace, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,	Jesup,	Pitts,
Messrs. Ballinger,	Johnston,	Slaughter,
Bradshaw,	Morgan, D.	Walker, C. J.
Clarke,	Morgan, J. S.	Walker, J. V.
Davidson,	Murrell,	Weller,
Dixon,	Payne,	Wickliffe—19.
Hughes,		

Those who voted in the negative were—

Messrs. Anderson,	Guthrie,	Schooling,
Barlow,	Huston,	Wallace,
Burnett,	James,	Williams,
De Courcy,	Jasper,	Wingate,
Ford,	Rice,	Young—15.

The documents referred to in the said message, not being in the possession of the Senate, it was laid on the table.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to change the time of holding, and to extend the terms of the Green and Hart Circuit Courts, reported the same without amendment. The said bill is as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, the Hart Circuit Court shall commence on the first Monday in May and November, and sit twelve juridical days, if the business of the court shall require; and the second Monday in August, and sit six juridical days, if the business thereof shall require it. That the Green Circuit Court shall commence on the third Mondays in May, August and November, and sit twelve juridical days at the May and August terms, and eighteen at the November term, if the business thereof shall require it, provided that at the May and August terms, the court shall sit eighteen juridical days, whenever there are five Mondays in the month, and the business thereof shall require it.

SEC. 2. That all process whatsoever, or recognizances for the appearance or attendance of any persons on the second Monday in May and November, (as now required by law,) of said court, shall be returnable to the first Monday in said months, and be as effectual for all the purposes required by law, as though they were made returnable to the second Monday in May and November, any law to the contrary notwithstanding.

Mr. Murrell moved to amend the said bill by striking out all after the enacting clause, and inserting in lieu thereof the following, viz:

That the Adair Circuit Court shall commence on the first Mondays in March, and on the second Monday in June, and on the first Monday in September, and continue twelve juridical days at the March and September terms, and six juridical days at the June term, if the business of the court require it.

Be it further enacted, That the Barren Circuit Court shall commence on the third Monday in March, the second Monday in June, and the third Monday in September, and continue twelve juridical days at the March and September terms, and eighteen days at the June term, if the business of the court require it.

Be it further enacted, That the Green Circuit Court shall commence on the first Mondays in April, July and October, and continue eighteen juridical days at each term thereof, if the business of the court require it.

Be it further enacted, That the Hart Circuit Court shall commence on the first Monday in May, the second Monday in August and first Monday in November, and continue twelve juridical days at the May and November terms, and six juridical days at the August term thereof.

Be it further enacted, That the Clinton Circuit Court shall commence on the third Mondays in May, August and November, and continue at each term thereof, six juridical days.

Be it further enacted, That the Cumberland Circuit Court shall commence on the fourth Mondays in May, August and November, and continue six juridical days at each term thereof.

Be it further enacted, That all recognizances, bail bonds, and other obligations, process notices or subpoenas, for the appearance of any person or parties at the spring terms of the above named Circuit Courts, (as now provided by law to be holden in the present year,) shall be good and effectual, in law, for the appearance of any such persons or parties to the spring terms of said above named courts, as specified in this bill: *Provided*, They shall have been taken, executed or served according to law; and all laws in anywise inconsistent with this act are hereby repealed.

Be it further enacted, That the terms of the Allen County Courts shall, hereafter, be held on the second Mondays in each month instead of the third Mondays, as now required by law.

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Murrell and Barlow, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Jesup,	Tomlinson,
Messrs. Ballinger,	Johnston,	Walker, J. V.
Bradshaw,	Morgan, D.	Weller,
Clarke,	Murrell,	Wickliffe,
Davidson,	Payne,	Williams,
Ford,	Pitts,	Young—20.
Huston,	Slaughter,	

Those who voted in the negative were—

Messrs. Anderson,	Hughes,	Rice,
Barlow,	James,	Schooling,
Burnett,	Jasper,	Wallace—9.

Ordered, That the said bill be read a third time, as amended.

On the motion of Mr. Guthrie, the committee of the whole was discharged from the further consideration of a bill from the House of Representatives, entitled, an act to tax corporations. An amendment, adopted in the committee of the whole, was concurred in. The bill was further amended.

Mr. Guthrie moved to amend the same by adding thereto the following section, viz:

That for the purpose of paying the debts now due to contractors, and for work actually done, and for the purpose of finishing the works under contract, an additional ad valorem tax of five cents on each one hundred dollars of property, assessed for taxation, shall be levied and collected, for paying the interest and principal of the necessary sums to pay said debts and finish said works.

On the motion of Mr. Ballinger, the said amendment was amended by adding thereto these words, viz: "which when collected, shall be paid over to the Commissioners of the Sinking Fund by the Treasurer."

The question being taken on the adoption of the said amendment, as amended, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Ballinger and Weller, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Guthrie,	Pratt,
Messrs. Ballinger,	Johnston,	Slaughter,
Clarke,	Morgan, J. S.	Wallace,
Davidson,	Pitts,	Wickliffe—13.
De Courcy,		

Those who voted in the negative were—

Messrs. Anderson,	James,	Tomlinson,
Barlow,	Jasper,	Walker, C. J.
Bradshaw,	Jesup,	Walker, J. V.
Burnett,	Morgan, D.	Weller,
Dixon,	Murrell,	Williams,
Ford,	Payne,	Wingate,
Hughes,	Rice,	Young—23.
Huston,	Schooling,	

The said bill was referred to the committee of Finance.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 12, 1840.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act to equalize the salaries of the Circuit Judges of this Commonwealth.

That they had passed bills from the Senate of the following titles, viz:

An act to incorporate the Maysville Athenæum.

An act to incorporate the Spencer county Seminary.

An act to incorporate the Lagrange Seminary, in Oldham county, and for other purposes.

An act to amend the charter of Shelby College.

An act for the benefit of the Paducah Seminary.

An act concerning the town of Princeton.

An act to authorize the County Court of Nicholas county to sell the Nicholas county Seminary, and for other purposes.

An act to incorporate the Trustees of the Buck Creek Seminary.

An act for the benefit of Joseph Clarke, late Sheriff of Franklin county.

With amendments to the two last named bills.

And that they had passed bills of the following titles, viz :

1. An act to incorporate the Russellville Library Company.

2. An act for the benefit of the Common School Commissioners in Wayne county.

3. An act for the benefit of the Kentucky Seminary.

4. An act to establish the town of Providence, in Hopkins county.

5. An act for the benefit of the Sheriff of Hopkins county.

6. An act to authorize the Auditor to certify copies.

7. An act for the benefit of the City School of Lexington.

8. An act regulating the appointment of the Commissioners of the revenue in this Commonwealth.

The said bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills, (except the 8th,) being dispensed with, they were referred: the 1st, 2d, 3d and 7th to the committee on Education; the 4th and 6th to the committee on the Judiciary, and the 5th to the committee on Military Affairs.

The constitutional rule as to the second and third readings of the 8th bill being dispensed with, and the same being amended,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz :

An act giving Justices of the Peace jurisdiction in actions of trespass and trespass on the case where the damages laid are five pounds, and under.

An act to amend an act, entitled, an act to establish the Southern Bank of Kentucky, approved February 20, 1839.

An act for the benefit of Ann Cable.

An act to authorize the County Court of Daviess county to change that part of the State road leading from the mouth of Salt river to Shawneetown, which lies within the limits of the town of Owenborough.

An act to incorporate the town of Uniontown, in Union county.

An act for the benefit of the Sheriffs of Madison, Henry and Lewis counties.

An act for the benefit of Sarah Jane Dorman.

An act to amend an act, entitled, an act to establish the town of Landing, in Boone county.

An act authorizing Mary Jackson to bind out her infant children.

An act for the benefit of Thomas P. Hart.

An act for the benefit of James W. Irwin, and others.

An act for the benefit of James G. Hardy.

An act for the benefit of Benjamin F. Major.

An act for the benefit of Wallace Estill and wife.

An act to incorporate the Franklin Institute of Bacon College.

An act to increase the number of juridical days allowed the Circuit Court of Hardin county, and for other purposes.

An act to legalize the acts of the Trustees of Hodgenville, and for other purposes.

An act to establish the town of Burtonsville, in Daviess county, and to increase the powers of the Trustees of the town of Monticello.

An act to amend an act, entitled, an act to amend the act further to regulate the Wilderness turnpike road, approved January 27th, 1838.

An act to provide for paying the expense of keeping prisoners, previous to and pending their examination before Justices of the Peace.

An act for the benefit of John Blankenship.

An act for the benefit of the Fire Company in the town of Augusta.

An act to establish election precincts in Kenton and Campbell counties.

An act for the benefit of Nancy Turner.

An act for the benefit of Philip Board, of Hancock county.

And enrolled bills and resolutions which originated in the Senate of the following titles, viz:

An act for the benefit of the Sheriff of Livingston county.

An act concerning the town of Princeton.

An act to authorize the County Court of Nicholas county to sell the Nicholas county Seminary, and for other purposes.

An act to amend the charter of Shelby College.

An act for the benefit of the Paducah Seminary.

An act to incorporate the Lagrange Seminary, in Oldham county, and for other purposes.

An act to incorporate the Spencer county Seminary.

An act to incorporate the Maysville Athenæum.

An act to amend the law in relation to idiots and lunatics.

An act to divorce Elizabeth Penn from her husband, Warner Penn.

An act for the divorce of Thomas Isbell.

An act for the divorce of Granville C. Brown.

An act for the benefit of Lewis W. Kirtly.

An act for the benefit of Charlotte Stivers.

An act to amend an act, entitled, an act to establish a State road from Shelbyville, by Floydsburg and Brownsboro', to Harmony Landing, on the Ohio river.

An act for the benefit of David Jones, late Sheriff of Mercer county.

An act to establish a State road from Hartford to Russellville.

An act for the benefit of the jailers of Bullitt and Breckinridge counties.

An act to amend the laws regulating civil proceedings, and for other purposes.

An act to amend an act to establish a Medical Institute in the city of Louisville.

An act to incorporate the Mills' Point House Company.

An act to amend the 7th section of an act, entitled, an act for the better securing the payment of rents, and preventing the fraudulent practices of tenants.

An act to amend the act, entitled, an act to authorize Jailers to serve process in certain cases, approved February 9, 1836.

An act providing for a change of venue in the case of the Commonwealth against Joseph McMillen.

An act to amend the law in civil proceedings.

An act to amend the 9th section of an act, entitled, an act for regulating the solemnization of marriages, approved February 3d, 1798.

Preamble and resolutions concerning the public lands.

The said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Mr. Guthrie, from the committee to whom was referred a bill to regulate and define the jurisdiction of the Chancery Court for the city of Louisville and county of Jefferson, reported the same with the opinion of the committee that it ought not to pass.

Mr. Ballinger moved to lay the said bill on the table until the 17th inst.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Ballinger, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Ballinger,
Burnett,
Clarke,
De Courcy,

Guthrie,
Hughes,
Huston,
James,
Jasper,

Murrell,
Payne,
Walker, J. V.
Wingate—14.

Those who voted in the negative were—

Messrs. Barlow,	Schooling,	Weller,
Bradshaw,	Tomlinson,	Wickliffe,
Ford,	Wallace,	Williams,
Jesup,	Walker, C. J.	Young—13.
Pitts,		

Mr. Guthrie, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz :

An act to amend the laws, now in force, prescribing the fees and commissions of the Marshal of the Louisville Chancery Court, and for other purposes.

An act to change the time of holding the Circuit Courts in the 2d Judicial District, reported the same with amendments to each—which were concurred in.

Ordered, That the said bills be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, reported a bill providing for a change of venue in the prosecution against U. B. Chambers, and a bill for the benefit of the children of Abner Gore.

Which bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Guthrie, leave was given to bring in a bill relative to the Board of Internal Improvement, and the committee of Finance was directed to prepare and bring in the same.

Mr. James having obtained leave, reported a bill for the benefit of John Shaw, late Clerk of the Hickman County Court, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to amend an act concerning the laying and collecting the county levy of Fayette, approved February 25, 1836, was ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Burnett moved to reconsider the vote disagreeing to a bill from the House of Representatives, entitled, an act for the benefit of Armstead Crane. The said motion was laid on the table.

Resolved, That the Senate recede from the amendment proposed by them to a bill from the House of Representatives, entitled, an act to explain and enforce an act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24th, 1834—and an act to amend said act, approved February 8th, 1839.

Resolved, That the Senate recede from their third amendment to a bill from the House of Representatives, entitled an act to regulate the fees of County Court Clerks.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives to bills and a resolution from the Senate of the following titles, viz:

An act for the benefit of Edwin Land.

An act to incorporate the Trustees of the Buck Creek Seminary.

An act for the benefit of Joseph Clarke, late Sheriff of Franklin county.

A resolution providing for the settlement of the accounts of the commissioners for Green and Barren rivers.

An act to restore the privileges of the Banks when they resume specie payments, and the amendment proposed thereto by the House of Representatives, were referred to the committee on the Judiciary.

The Senate resumed the consideration of a bill to provide for the internal improvement of this Commonwealth. The said bill is as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Governor be authorized to sell the bonds or scrip of the State to the amount of one million of dollars, at a rate of interest not exceeding six per centum per annum, redeemable at any time after six years, the interest payable semi-annually at the Treasury of the State: Provided, that said bonds or scrip shall not be sold at a less rate than par value, nor in less sums than one hundred dollars; and it shall be the duty of the Commissioners of the Sinking Fund, from time to time, to deposit with the Treasurer of the State a sum sufficient to meet the payment of the interest upon the loan authorized to be made by this act.

SEC. 2. *Be it further enacted*, That the Governor be authorized, if he shall deem it advisable so to do, to sell, or cause to be sold, the whole or any part of the sum authorized to be borrowed for the purpose of internal improvement, by an act, entitled, an act further to provide for the internal improvement of the State, approved February 22, 1839: Provided, that said bonds or scrip, authorized by said act to be sold, shall not be sold at a less rate than par value in Kentucky currency, at a rate of interest not exceeding six per centum per annum.

SEC. 3. *Be it further enacted*, That if the Governor should succeed in selling the whole amount of bonds authorized to be sold under the foregoing sections of this act, and shall not have issued the whole amount of bonds authorized

to be issued under the first section of this act, it shall be his duty to apply four hundred thousand dollars of the proceeds to make up the amount authorized to be issued under the first section aforesaid, if so much should remain unsold; and thereafter, it shall not be lawful for him to make any further sale under said first section.

SEC. 4. *Be it further enacted*, That the Governor shall cause to be paid, out of the residue of the proceeds of the sale authorized to be made under the second section of this act, the several sums which may be due to the Banks of this Commonwealth from the Board of Internal Improvement, and whatever balance may afterwards remain, shall be passed to the credit of the Sinking Fund, as a permanent fund for the liquidation of the public debt, and shall not in any event be used in the payment of interest, but shall be vested in such way as will be most profitable; and the interest received therefrom be re-invested, from time to time, and added to the principal.

SEC. 5. *Be it further enacted*, That if any of the contractors on any of the public works of this Commonwealth shall agree to receive the bonds or scrip of the Commonwealth authorized by this act to be issued by the Governor, it shall be lawful for the Board of Internal Improvement to notify the Governor thereof, who shall thereupon deposit the same in the Treasury, and obtain the Auditor's quietus thereon; and when so deposited, it shall be lawful for the Auditor to draw his warrant on the requisition of the Board of Internal Improvement, on the Treasurer, who shall be authorized to pay the same to the contractors, in lieu of money; and the bonds or scrip thus received by the said contractors shall be considered as so much money paid on the part of the State.

SEC. 6. *Be it further enacted*, That it shall be the duty of the Board of Internal Improvement, out of the fund herein authorized to be raised, first to pay the debts now due to the contractors on the public works; and in case a part only is raised in money, it shall be the duty of the Board to make an equitable distribution of such part.

SEC. 7. *Be it further enacted*, That the sum of eighty thousand dollars be, and the same is hereby appropriated, out of the same fund, to finish locks and dams Nos. 1 and 4, on Green river, and No. 1 on Barren river; and the sum of one hundred and seventy five thousand dollars to finish the locks and dams numbers one, two, three, four and five, on the Kentucky river; and the sum of one hundred and fifty thousand dollars to progress with the eight locks and dams on Licking river—numbers one, two, three, four, five, six, seven and eight.

SEC. 8. *Be it further enacted*, That the sum of twenty thousand dollars be, and the same is hereby appropriated, out of the same fund, to the turnpike road companies from Louisville, by Elizabethtown, to the Tennessee line, in order to put said road in a condition to be travelled on; and said companies are hereby authorized to put up toll gates, as soon as it is placed in such condition, and to charge such tolls as in the opinion of the Board of Internal Improvement would be proper, provided said tolls shall not be as much as said company would be authorized to charge, if said road was fully completed: Provided, that the sum hereby appropriated, shall be expended in the following manner: Ten thousand dollars on that part of the road from Louisville to Elizabethtown, and ten thousand dollars on that part of the road from Prewitt's Knob to the Tennessee line.

SEC. 9. *Be it further enacted*, That the sum of twenty thousand dollars be, and the same is hereby appropriated, out of the same fund, to the Louisville, Bardstown and Green river road company, in order to put said road in a condition to be travelled; and said company is hereby authorized to put up toll gates and to charge tolls under the restrictions and limitations imposed by the foregoing section.

SEC. 10. *Be it further enacted*, That the sum of twenty five thousand dollars be, and the same is hereby appropriated, out of the same fund, to the Logan, Todd and Christian Turnpike Road Company, which shall be considered a part of the specific appropriation heretofore made to said company.

SEC. 11. *Be it further enacted*, That the sum of fifteen thousand dollars be, and the same is hereby appropriated, out of the same fund, to the Covington, Georgetown and Lexington Turnpike Road Company, in order to put said road in a condition to be travelled on; and said company is hereby authorized to put up toll gates, and to charge tolls, under the restrictions and limitations imposed by the 8th section of this act.

SEC. 12. *Be it further enacted*, That the several appropriations made by this act shall only be paid upon the compliance with all the conditions imposed by existing laws.

SEC. 13. *Be it further enacted*, That should the resources of the Sinking Fund be inadequate to the payment of the interest on the bonds or scrip which, under the provisions of this act, may be sold, or which may become due on the bonds heretofore sold for internal improvement purposes, it shall be the duty of the Auditor, on the requisition of the Governor, to draw a warrant for such deficiency on the Treasurer, who is hereby authorized to pay the same out of any money in the Treasury.

SEC. 14. *Be it further enacted*, That the further sum of twelve thousand dollars be appropriated to the excavation and completion of the work on the water power at lock number three, on Green river; and a like sum of twelve thousand dollars be appropriated to the excavation and completion of the water power on the Kentucky river, at lock number four.

Mr. Ballinger moved to amend the said bill by striking out all after the sixth section, and inserting in lieu thereof the following, viz:

SEC. 7. *Be it further enacted*, That the sum of four hundred and fifty thousand dollars be, and the same is hereby appropriated to pay the contractors of this Commonwealth for work and labor already done.

SEC. 8. *Be it further enacted*, That in order to enable the Board of Internal Improvement to progress with works now under contract, the further sum of ——— dollars be, and the same is hereby appropriated.

SEC. 9. *Be it further enacted*, That in the expenditure of the last mentioned sum, it shall be the duty of said Board to apply the same to those objects, now under contract, which can be most easily completed, and made available for the purposes intended by them.

SEC. 10. *Be it further enacted*, That upon those works where unconditional contracts have been made, and which are not in a state of forwardness to be completed this year, that the said Board shall be authorized, upon equitable terms, to agree with the contractors for an abandonment of the work: *Provided*, That upon the cancellation of the contracts, the Board shall require the work done, and materials furnished, to be placed in a state of security and preservation.

SEC. 11. *Be it further enacted*, That so much of the act, entitled, an act further to provide for the internal improvement of the State, approved 22d February, 1839, as authorizes and directs the letting of contracts to build two additional locks and dams on Green river, three on Kentucky river, three on the Licking river, one on the south fork of Kentucky river, one on Barren river, and one on Muddy river, be, and the same is hereby, repealed; and the Board is authorized, with the assent of the contractors, to cancel the conditional contracts made by them.

SEC. 12. *Be it further enacted*, That it shall not be lawful for the Board to make any subscription to new works for the construction of turnpike roads, until the further action of the Legislature.

SEC. 13. *Be it further enacted*, That the Board shall be authorized, if, in their opinion, the interest of the Commonwealth will be promoted thereby, to finish the grade of any of the turnpike roads, so as to admit the travel upon the grade: Provided, that the assent of the President and managers of any such road shall first be obtained: and, provided further, that the Board shall only be required to pay at the time, and after the proportion now provided by law.

SEC. 14. *Be it further enacted*, That if, under the provisions of the 13th section of this act, any road should be constructed by grading only, the President and managers shall only charge one half of the toll now authorized by law for McAdamized roads.

SEC. 15. *Be it further enacted*, That it shall be the duty of the Board, for the purpose of enabling them, at the earliest day, to comply with their contracts, to furnish water power at dam No. 3, on Green river, and dam No. 4, on Kentucky river, to let the construction of the necessary works.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and D. Morgan, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Hughes,	Tomlinson,
Burnett,	Huston,	Walker, C. J.—8.
Davidson,	Schooling,	

Those who voted in the negative were—

Mr. Speaker,	Jasper,	Rice,
Messrs. Anderson,	Johnston,	Wallace,
Barlow,	Morgan, D.	Walker, J. V.
Bradshaw,	Morgan, J. S.	Weller,
Clarke,	Murrell,	Wickliffe,
De Courcy,	Payne,	Williams,
Ford,	Pitts,	Wingate,
Guthrie,	Pratt,	Young—25.
James,		

Mr. Guthrie moved to amend the said bill by striking out all after the enacting clause, and inserting in lieu thereof the following, viz:

SEC. 1. That all laws authorizing the Board of Internal Improvement to subscribe, on behalf of the State in, Turnpike Road Companies, shall be, and the same are hereby suspended; and said Board shall not authorize any Turnpike Road Company, in which the State is a stockholder, to make any contract for the construction of any part of the roads so as to make the State responsible at the present or any future time, until authorized by some future act of the Legislature.

SEC. 2. That it shall be the duty of the Board, with the consent of the Turnpike Companies, to vacate or suspend, indefinitely, existing contracts for the construction of roads, or such parts thereof, as will not be available when completed, for want of additional work, not now under contract; also to vacate or suspend, indefinitely, all existing contracts on roads, where the same cannot be completed for want of funds.

SEC. 3. That the locks and dams on the Licking, Kentucky, Green, Barren and Muddy rivers, authorized by an act, entitled, an act further to provide for the internal improvement of the State, approved February 22d, 1839, shall be suspended until the further action of the Legislature, and the contractors shall have power to vacate their contracts.

SEC. 4. That the Board of Internal Improvement are required not to expend any money in the improvement of the downward navigation of any of the *streams in this Commonwealth*; and that they cause no additional surveys to be made, and to dismiss all Engineers, assistants, &c., not required in the prosecution or preservation of the works as limited by this act, and the means which will be at the disposal of the Board for the prosecution and preservation of the works.

SEC. 5. That if the money shall be procured as hereafter authorized, said Board are authorized to finish the residue of the locks and dams on the Licking, Kentucky, Green and Barren rivers, and for that purpose may expend on the Licking river not more than two hundred thousand dollars, on the Kentucky river, not more than two hundred thousand, and the Green and Barren rivers, not more than one hundred thousand dollars; and on roads, not more than three hundred thousand dollars; and that they cause the water power canals to be cut at those dams only where the water power is required for immediate use.

SEC. 6. That, hereafter, the salary of the Chief Engineer shall be \$3,000 per annum; that of the Resident Engineer on the Kentucky river \$2,500 per annum; that of the Resident Engineer on Licking river \$2,000 per annum, and that of the Resident Engineer on Green and Barren rivers \$2,000 per annum; and should it be necessary to have an Engineer on turnpike roads, his salary shall be reduced to \$1500 per annum.

SEC. 7. That said Board be authorized, for the purpose of rendering the money expended on turnpike roads which are not finished, as available as possible, to cause the grade thereof, or such parts thereof as they deem proper to be graded and toll gates erected, and have gate keepers appointed and tolls collected on them as graded roads; and the parts thereof that are finished as other turnpike roads, to have full tolls collected.

SEC. 8. That for the purpose of paying to the Bank of Kentucky, the Northern Bank of Kentucky and the Bank of Louisville, the sums borrowed from them to progress with the public works in anticipation of the loan authorized by the act approved February 22, 1839, before referred to, and for

the purpose of paying the sums now due to contractors for work actually done, the Governor is authorized to sell nine hundred thousand dollars of the bonds authorized to be sold by said act, at not less than par in notes of the said Banks, and with the proceeds to discharge said debts; and he is authorized to sell the remaining two hundred thousand dollars of said bonds, at not less than par in the notes of said Banks, for the purpose of progressing with, and securing the works on Green, Barren, Kentucky and Licking rivers, from damage, and to cause the same to be applied to that object.

SEC. 9. That for the purpose of progressing with five locks and dams on Licking river, and with the five locks and dams on the Kentucky river, and with the four locks and dams on the Green river, and the one on Barren river, and such of the roads as are not suspended, or authorized to be suspended by this act, the Governor is authorized to sell six hundred thousand dollars of State bonds, on the same terms and conditions as provided as to the eleven hundred thousand dollars in the act before referred to; but said six hundred thousand dollars shall not be sold at less than par in the notes of the Banks of Kentucky; and they shall not be sold, unless the annual income of the Sinking Fund shall be sufficient to pay the annual interest on the State bonds heretofore sold, and those authorized to be sold by this act.

SEC. 10. That the Governor may sell said bonds, or any part thereof, to any of the Banks of Kentucky, should they choose to purchase; and if he cannot sell said bonds, or so much as will be required to secure the public works, the Governor is authorized to make temporary loans for that object, or to authorize the Board of Internal Improvement to contract for the same, on time.

Mr. Jasper moved to amend the said amendment by inserting after the words "streams in this Commonwealth," in the 4th section, printed in italics, these words, "except the Cumberland river."

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Jasper and Barlow, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Huston,	Pitts,
Barlow,	James,	Schooling,
Bradshaw,	Jasper,	Walker, J. V.
Burnett,	Jesup,	Weller—13.
Hughes,		

Those who voted in the negative were—

Mr. Speaker,	Johnston,	Tomlinson,
Messrs. Ballinger,	Morgan, D.	Wallace,
Clarke,	Morgan, J. S.	Walker, C. J.
Davidson,	Murrell,	Wickliffe,
De Courcy,	Payne,	Williams,
Ford,	Pratt,	Wingate,
Guthrie,	Rice,	Young—21.

Mr. Jasper moved to amend the said amendment by adding thereto the following section, viz.

Be it further enacted, That the Board of Internal Improvement is hereby directed and required to finish, or cause to be done, the works of improvement, now commenced and unfinished upon the Cumberland river, agreeable to an act of Assembly providing for the improvement of the downward navigation of said river, approved 16th February, 1838, out of the funds herein authorized to be raised to carry on the system of Internal Improvement.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Jasper and Pratt, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Hughes,	Pitts,
Barlow,	Huston,	Schooling,
Bradshaw,	James,	Walker, J. V.
Burnett,	Jasper,	Weller,
De Courcy,	Jesup,	Williams—15.

Those who voted in the negative were—

Mr. Speaker,	Morgan, D.	Tomlinson,
Messrs. Ballinger,	Morgan, J. S.	Wallace,
Clarke,	Murrell,	Walker, C. J.
Davidson,	Payne,	Wickliffe,
Ford,	Pratt,	Wingate,
Guthrie,	Rice,	Young—19.
Johnston,		

Mr. Jesup moved that the said amendment, offered by Mr. Guthrie, be printed.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Jesup and Jasper, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Jasper,	Weller,
Messrs. Anderson,	Jesup,	Wickliffe,
Barlow,	Rice,	Williams,
Bradshaw,	Walker, J. V.	Young—13.
Burnett,		

Those who voted in the negative were—

Messrs Ballinger,	De Courcy,	Hughes,
Clarke,	Ford,	Huston,
Davidson,	Guthrie,	James,

Johnston,
Morgan, D.
Morgan, J. S.
Murrell,

Payne,
Pitts,
Pratt,
Schooling,

Tomlinson,
Wallace,
Walker, C. J.
Wingate—21.

Mr. Payne moved to amend the said amendment by adding to the eighth section thereof the following proviso, viz :

Provided, that the Governor of Kentucky, to raise the sum due to contractors for work now done, is authorized to sell the bonds of the State, redeemable in six years, and payable in sums not less than one hundred dollars, and the interest on the same at six per cent., payable as heretofore.

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Jasper and De Courcy, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Ballinger,
Clarke,
De Courcy,
Ford,
Johnston,
Morgan, D.

Morgan, J. S.
Murrell,
Payne,
Pitts,
Rice,
Schooling,

Tomlinson,
Wallace,
Walker, C. J.
Weller,
Wingate,
Young—18.

Those who voted in the negative were—

Mr. Speaker,
Messrs. Anderson,
Barlow,
Bradshaw,
Burnett,

Davidson,
Guthrie,
Hughes,
Huston,
Jasper,

Jesup,
Pratt,
Walker, J. V.
Williams—14.

Mr. Pitts moved to amend the said amendment by striking out \$3,000, and inserting in lieu thereof \$2,500, as the salary of the Chief Engineer.

The question being taken on the adoption of the said amendment, as amended, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Pitts and Jasper, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Anderson,
Barlow,
Bradshaw,
Burnett,
Huston,
James,

Jasper,
Jesup,
Pitts,
Rice,
Schooling,

Tomlinson,
Walker, J. V.
Weller,
Williams,
Young—16.

Those who voted in the negative were—

Mr. Speaker,	Ford,	Murrell,
Messrs. Ballinger,	Guthrie,	Payne,
Clarke,	Hughes,	Slaughter,
Davidson,	Johnston,	Wallace,
De Courcy,	Morgan, D.	Walker, C. J.
Dixon,	Morgan, J. S.	Wingate—18.

The question was then taken on the adoption of the said amendment, offered by Mr. Guthrie, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Jasper, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,	Guthrie,	Rice,
Messrs. Ballinger,	Hughes,	Slaughter,
Burnett,	Johnston,	Walker, C. J.
Davidson,	Morgan, D.	Wingate,
De Courcy,	Murrell,	Young—17.
Ford,	Payne,	

Those who voted in the negative were—

Messrs. Anderson,	Jasper,	Tomlinson,
Barlow,	Jesup,	Wallace,
Clarke,	Morgan, J. S.	Walker, J. V.
Dixon,	Pitts,	Weller,
Huston,	Schooling,	Williams—16.
James,		

The question was then taken on engrossing the said bill, and reading it a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and James, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,	Johnston,	Rice,
Messrs. Ballinger,	Morgan, D.	Slaughter,
Clarke,	Morgan, J. S.	Wallace,
Davidson,	Murrell,	Walker, C. J.
De Courcy,	Payne,	Wingate,
Ford,	Pitts,	Young—19.
Guthrie,		

Those who voted in the negative were—

Messrs. Anderson,	Hughes,	Schooling,
Barlow,	Huston,	Tomlinson,
Bradshaw,	James,	Walker, J. V.
Burnett,	Jasper,	Weller,
Dixon,	Jesup,	Williams—15.

Mr. James read and laid on the table the following resolution, viz :

Resolved, That the Lieutenant and Acting Governor be requested to lay before the Senate all communications made in the year 1839, on file in his office, relative to the appointment of Commonwealth's Attorney for the 16th Judicial District—as also those received during the present session of the Legislature.

And then the Senate adjourned.

THURSDAY, FEBRUARY 13, 1840.

A message was received from the House of Representatives, announcing that they had disagreed to a bill from the Senate, entitled, an act for the benefit of Hiram Phillips.

That they had passed a bill from the Senate, entitled, an act to extend the charter of the Bank of the Commonwealth of Kentucky, and to authorize the appointment of a commissioner to close the affairs of said Bank.

That they had adopted a resolution concerning lock and dam No. 1, on Licking river.

And that they had passed a bill, entitled, an act to change the name of the town of Chiltonsville, in Henry county.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz :

An act to amend an act concerning the laying and collecting the county levy of Fayette, approved February 25th, 1836.

An act to explain and enforce an act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24th, 1834—and an act to amend said act, approved February 8th, 1839.

An act to regulate the fees of County Court Clerks.

An act to amend the charter of the Oakland Turnpike Road Company.

An act to equalize the salaries of the Circuit Judges of this Commonwealth.

An act to appoint Commissioners to close the concerns of the Shepherdsville Bank.

An act for the benefit of the Lexington and Georgetown Turnpike Road Company.

An act for the benefit of Isaac Jones, committee of Ruth Jones, of Green county.

And enrolled bills and a resolution which originated in the Senate of the following titles, viz:

An act for the benefit of Edwin Land and William Willborn.

An act for the benefit of Joseph Clarke, late Sheriff of Franklin county, and for other purposes.

An act to incorporate the Trustees of the Buck Creek Seminary, and the Trustees of the Simpsonville Seminary.

A resolution providing for the settlement of the accounts of the commissioners for Green and Barren rivers.

The said bills and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

On the motion of Mr. Payne, a message was sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the benefit of Elizabeth Frier.

Mr. Pitts moved to take up the message of the Lieutenant and Acting Governor, nominating James T. Morehead to be President of the Board of Internal Improvement, and James R. Skiles, Samuel Daviess and Thomas Metcalfe, to be members of the Board of Internal Improvement.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bradshaw and Barlow, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hughes,	Payne,
Messrs. Ballinger,	Huston,	Pitts,
Burnett,	Jesup,	Pratt,
Clarke,	Johnston,	Slaughter,
Davidson,	Morgan, D.	Wallace,
De Courcy,	Morgan, J. S.	Wickliffe,
Ford,	Murrell,	Wingate—22.
Guthrie,		

Those who voted in the negative were—

Messrs. Anderson,	Jasper,	Walker, J. V.
Barlow,	Rice,	Weller,
Bradshaw,	Schooling,	Williams,
Dixon,	Tomlinson,	Young—13.
James,		

The question was taken on advising and consenting to the appointment of James T. Morehead, as President of the Board of Internal Improvement, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Tomlinson and Jasper, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hughes,	Slaughter,
Messrs. Anderson,	Huston,	Tomlinson,
Ballinger,	Jesup,	Wallace,
Barlow,	Johnston,	Walker, C. J.
Bradshaw,	Morgan, D.	Walker, J. V.
Clarke,	Morgan, J. S.	Weller,
Davidson,	Murrell,	Wickliffe,
De Courcy,	Payne,	Williams,
Dixon,	Pitts,	Wingate,
Ford,	Pratt,	Young—31.
Guthrie,		

Those who voted in the negative were—

Messrs. Burnett,	Jasper,	Schooling—5.
James,	Rice,	

The nomination of James R. Skiles to be a member of the Board of Internal Improvement, was referred to a committee of Messrs. Payne, C. J. Walker and D. Morgan.

The question being taken on advising and consenting to the appointment of Samuel Daviess as a member of the Board of Internal Improvement, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ford and Wingate, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hughes,	Schooling,
Messrs. Anderson,	Huston,	Slaughter,
Ballinger,	Jesup,	Tomlinson,
Barlow,	Johnston,	Wallace,
Bradshaw,	Morgan, D.	Walker, C. J.
Burnett,	Morgan, J. S.	Walker, J. V.
Clarke,	Murrell,	Weller,
Davidson,	Payne,	Wickliffe,
De Courcy,	Pitts,	Williams,
Ford,	Pratt,	Wingate,
Guthrie,	Rice,	Young—33.

Those who voted in the negative were—

Mr. Jasper—1.

Resolved, That the Senate advise and consent to the appointment of Thomas Metcalfe as a member of the Board of Internal Improvement.

Mr. Wingate, having obtained leave, reported a bill to authorize the Franklin County Court to hold a term on the third Monday in February, 1840, and for other purposes, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being amended and engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

An engrossed bill, entitled, an act for the benefit of William Withers and wife, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Guthrie, the committee on the Judiciary was discharged from the duty of preparing and bringing in a bill for the better confirmation of the estates of persons holding or claiming under conveyances from married women, and conveyances not recorded in proper time, and from the further consideration of a bill to establish a Commissioners' Court in this Commonwealth.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the following petitions, viz:

The petition of James Turley and wife.

The petition of the administrators of Absalom Turner, deceased.

The petition of John Stockdale and wife—reported the following resolution thereon, viz:

Resolved, That the said petitions be rejected—which was concurred in.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law in relation to ferries on Cumberland and Tennessee rivers, in Trigg county, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of George M. Craven and wife, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill for the benefit of Ignatius S. Coomes, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Rice, from the committee of Propositions and Grievances, reported a bill for the benefit of Sylvester Johnson, which was read the first time.

The question being taken on reading the said bill a second time, it was decided in the negative, and so the said bill was rejected.

An engrossed bill, entitled, an act to amend the election laws of this Commonwealth, was read the third time and laid on the table.

An engrossed bill, entitled, an act further to provide for the internal improvement of this Commonwealth, was read the third time, and amended by way of engrossed ryder. The said bill, as amended, is as follows, viz :

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all laws authorizing the Board of Internal Improvement to subscribe, on behalf of the State, in Turnpike Road Companies, shall be, and the same are hereby suspended; and said Board shall not authorize any Turnpike Road Company, in which the State is a stockholder, to make any contract for the construction of any part of the roads so as to make the State responsible at the present or any future time, until authorized by some future act of the Legislature.

SEC. 2. That it shall be the duty of the Board, with the consent of the Turnpike Companies, to vacate or suspend, indefinitely, existing contracts for the construction of roads, or such parts thereof, as will not be available when completed, for want of additional work, not now under contract; also to vacate or suspend, indefinitely, all existing contracts on roads, where the same cannot be completed for want of funds.

SEC. 3. That the locks and dams on the Licking, Kentucky, Green, Barren and Muddy rivers, authorized by an act, entitled, an act further to provide for the internal improvement of the State, approved February 22d, 1839, shall be suspended until the further action of the Legislature, and the contractors shall have power to vacate their contracts.

SEC. 4. That the Board of Internal Improvement are required not to expend any money in the improvement of the downward navigation of any of the streams in this Commonwealth; and that they cause no additional surveys to be made, and to dismiss all Engineers, assistants, &c., not required in the prosecution or preservation of the works as limited by this act, and the means which will be at the disposal of the Board for the prosecution and preservation of the works.

SEC. 5. That if the money shall be procured, as hereafter authorized, said Board are authorized to finish the residue of the locks and dams on the Licking, Kentucky, Green and Barren rivers, and for that purpose may expend

on the Licking river, not more than two hundred thousand dollars; on the Kentucky river, not more than two hundred thousand dollars, and the Green and Barren rivers, not more than one hundred thousand dollars; and on roads, not more than three hundred thousand dollars; and that they cause the water power canals to be cut at those dams only where the water power is required for immediate use.

SEC. 6. That, hereafter, the salary of the Chief Engineer shall be \$3,000 per annum; that of the Resident Engineer on the Kentucky river \$2,500 per annum; that of the Resident Engineer on Licking river \$2,000 per annum, and that of the Resident Engineer on Green and Barren rivers \$2,000 per annum; and should it be necessary to have an Engineer on turnpike roads, his salary shall be reduced to \$1500 per annum.

SEC. 7. That said Board be authorized, for the purpose of rendering the money expended on turnpike roads which are not finished, as available as possible, to cause the grade thereof, or such parts thereof as they deem proper to be graded and toll gates erected, and have gate keepers appointed and tolls collected on them as graded roads; and the parts thereof that are finished as other turnpike roads, to have full tolls collected.

SEC. 8. That for the purpose of paying to the Bank of Kentucky, the Northern Bank of Kentucky, and the Bank of Louisville, the sums borrowed from them to progress with the public works in anticipation of the loan authorized by the act approved February 22, 1839, before referred to, and for the purpose of paying the sums now due to contractors for work actually done, the Governor is authorized to sell nine hundred thousand dollars of the bonds authorized to be sold by said act, at not less than par in notes of the said Banks, and with the proceeds to discharge said debts; and he is authorized to sell the remaining two hundred thousand dollars of said bonds, at not less than par in the notes of said Banks, for the purpose of progressing with, and securing the works on Green, Barren, Kentucky and Licking rivers, from damage, and to cause the same to be applied to that object.

SEC. 9. That for the purpose of progressing with five locks and dams on Licking river, and with the five locks and dams on the Kentucky river, and with the four locks and dams on the Green river, and the one on Barren river, and such of the roads as are not suspended, or authorized to be suspended by this act, the Governor is authorized to sell six hundred thousand dollars of State bonds, on the same terms and conditions as provided as to the eleven hundred thousand dollars in the act before referred to; but said six hundred thousand dollars shall not be sold at less than par in the notes of the Banks of Kentucky; and they shall not be sold, unless the annual income of the Sinking Fund shall be sufficient to pay the annual interest on the State bonds heretofore sold, and those authorized to be sold by this act: Provided, that the Governor of Kentucky, to raise the sum due to contractors for work now done, is authorized to sell the bonds of the State, redeemable in six years, and payable in sums not less than one hundred dollars, and the interest on the same at six per cent, payable as heretofore.

SEC. 10. That the Governor may sell said bonds, or any part thereof, to any of the Banks of Kentucky, should they choose to purchase; and if he cannot sell said bonds, or so much as will be required to secure the public works, the Governor is authorized to make temporary loans for that object, or to authorize the Board of Internal Improvement to contract for the same, on time.

SEC. 11. *Be it further enacted*, That if any of the public contractors upon roads and rivers in this Commonwealth, or other creditor of the State, shall agree to receive the bonds or scrip of the Commonwealth, authorized by this act to be issued by the Governor, it shall be lawful for the Board of Internal Improvement to notify the Governor thereof, who shall thereupon deposit the same in the Treasury, and obtain the Auditor's quietus thereon; and when so deposited, it shall be lawful for the Auditor to draw his warrant on the requisition of the Board of Internal Improvement, on the Treasurer, who shall be authorized to pay the same to the contractors or creditors, in lieu of money; and the bonds or scrip thus received by the said contractors or creditors, shall be considered as so much money paid on the part of the State.

SEC. 12. That the Commissioners of the Sinking Fund be, and they are hereby, authorized to pay the interest on the \$150,000 of the bonds of the Lexington and Ohio Railroad Company, guaranteed by the State, or so much thereof as said company shall not pay.

The question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Guthrie and Jasper, were as follows viz:

Those who voted in the affirmative were—

Mr. Speaker,	Guthrie,	Pitts,
Messrs. Ballinger,	Johnston,	Pratt,
Clarke,	Morgan, D.	Slaughter,
Davidson,	Morgan, J. S.	Wallace,
De Courcy,	Murrell,	Walker, C. J.
Ford,	Payne,	Wingate—18.

Those who voted in the negative were—

Messrs. Anderson,	Huston,	Tomlinson,
Barlow,	James,	Walker, J. V.
Bradshaw,	Jasper,	Weller,
Burnett,	Jesup,	Wickliffe,
Dixon,	Rice,	Williams,
Hughes,	Schooling,	Young—18.

Mr. J. S. Morgan, having obtained leave, reported a bill for the benefit of the heirs and widow of Benjamin Mills, deceased, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bill being dispensed with, it was referred to the committee on the Judiciary.

And then the Senate adjourned.

FRIDAY, FEBRUARY 14, 1840.

A message was received from the House of Representatives, announcing that they had concurred in the report of the committee of conference on a bill from that House, entitled, an act for the benefit of Abner Belton.

That they had disagreed to a bill from the Senate, entitled, an act providing for the establishment of an Agricultural College and School.

That they had passed bills from the Senate of the following titles, viz:

An act for the relief of the securities of Wesley M. Garnett, deceased, and Henderson Murphy.

An act to exempt the members of the Fire Companies in the city of Maysville from militia duty.

An act providing for a change of venue in the prosecution against U. B. Chambers.

An act to amend the militia law.

With an amendment to the last named bill.

And that they had passed bills of the following titles, viz:

1. An act for the benefit of John Keiser.
2. An act for the benefit of Leander W. Macey, and others.
3. An act for the benefit of Stephen Ormsby.
4. An act for the benefit of the Sheriff of Todd county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second reading of the 1st, 2d and 3d bills being dispensed with, they were referred to the committee on Military Affairs.

The constitutional rule as to the second and third readings of the 4th bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Pitts, the petition of Sylvester Johnston was withdrawn.

On the motion of Mr. Wingate, the documents accompanying the petition of Uriel B. Chambers were withdrawn.

Mr. D. Morgan presented the petition of sundry citizens of Fleming county, praying for the passage of a law establishing a chancery term of the Fleming Circuit Court, which was received and referred to the committee on the Judiciary.

Mr. Wingate, from the committee of Religion, made the following report, viz:

The Committee on Religion, to whom was referred the petitions of a great number of the citizens of Kentucky, praying a repeal of the laws authorizing the sale of spiritous liquors, have had the same under consideration, and beg leave to make the following report:

The petitioners, without exception, declare, that they look upon the retailing of spiritous liquors as a great evil, and, in terms respectful to the Legislature and creditable to themselves, ask that all laws authorizing a license to retail spirits shall be repealed, or so modified as to suppress intemperance. From a review of the whole subject, connected with past experience, the Committee are of opinion, that the laws heretofore enacted, authorizing the sale of alcoholic liquors, has by no means prevented or suppressed the crime of intemperance: on the contrary, it has greatly increased it; and in support of this opinion, thus honestly given, and candidly avowed, they beg leave to submit the following reasons:

As the general prosperity of any people require the concentration of individual happiness, it is the duty of the State so to act as to promote that object without a violation of the absolute rights retained, and the relative rights acquired; and as the possession of those rights are best acquired by the protection and power of the State, it is also the duty of the State, so to regulate and restrain their enjoyment as to preserve the general welfare. In every well ordered government, there are three grand requisites supposed to centre and unite; wisdom, to discern the real interest of the community; goodness, to pursue that interest, and power to carry that knowledge and intention into execution. By the exercise of these attributes, all acts against good morals should be prohibited, and punished: among which may be enumerated Incest, Polygamy, Gambling, Adultery, Fornication and Intoxication; also all acts impairing the public health, such as selling unwholesome Food, retailing Poison, creating Nuisances, and other such offences, which might be enumerated, and, in the more absolute exercise of the same requisites, all acts contrary to the safety and security of the people are prohibited and punished—such, for example, as Murder, Rape, Assaults and Batteries, and also all acts violating the possession and enjoyment of property—such as Arson, Burglary, Robbery, Larceny, &c. Now, if the prohibition and punishment of any or all of the foregoing offences is sustained and justified, because the commission of any or all of them might either corrupt the morals or endanger the life, liberty, health or prosperity, of the citizen or community, why, your Committee would ask, has not the State the same power to prohibit and punish the vending of spiritous liquors, if by direction or indirection the effect be either to corrupt the morals, or endanger the life and security of the citizen, or to violate the enjoyment of his property, or to disturb the good order and peace of society? If, for example, the powerful and almost prevalent disposition to gamble is prohibited, because of its immorality, and tendency to loss of time and property, why shall not the vending of spiritous liquors, the excessive use of which, not only tends to demoralize and destroy the community, but the inevitable destruction of property, be also prohibited? Again: if the power of the State can provide for the preservation of the public health, by inhibiting the sale of poisons, and the erection of nuisances, why cannot the same power inhibit the excessive use of spiritous liquors—a liquid poison in its nature, and the vending of which, under the license laws, most assuredly constitutes a public nuisance? It has long been settled by the concurrent testimony of the most dis-

tinguished Physicians, that alcohol is a rank and deadly poison—that in its effects, it resembles arsenic, and, though slow in its operation, it is not less certain and destructive in its results—it is infinitely more so. The inevitable tendency of its familiar and common use, is the parolization of the health; the destruction of the human constitution; the prostration of morals; the accumulation of crime; the augmentation of the sum total of human wretchedness and misery; the derangement and stupefaction of the intellect; the oblivion of every social and religious obligation; the extinction of the love of honor in the human breast, and the annihilation of every high and holy feeling in the soul, which elevates man above the beasts that perish, and allies him to God.

Who, then, is not ready to exclaim that the mere use of this poison is a crime—a crime however which sinks into insignificance when compared with that of vending it for the destruction of others—a crime, which is innocence itself, when contrasted with that of creating and pouring upon mankind this destroying stream of natural and moral death, this cataract of liquid fire to blast the rising glories of our country, and desolate the land. Time was, when these results were unthought of or unknown, when the vending of this now well known cause of disease and death, of crime and pollution, was either sustained by the voice of public opinion, or indulged without reprobation; but light has come upon us, and in that light a new law hath revealed itself; it is founded in moral justice, and is eternal; it is no longer unpublished or unknown to the world; it has been written as it were by the finger of God, all have read it, and ought immediately to obey it; it forbids man under the penalty of its malediction, to deal in this poison—it forbids him to scatter it like firebrands, arrows and death, among the human family—no one can longer plead ignorance of its mandate, or of its penalties, no one can longer deny, that from the sale of this destructive fluid flows a train of evils, which embody every variety of human crime, and human misery; which converts the blessings of heaven into curses, and those of life into the tortures of disease, and the madness of despair—but for this agency, all those vast and complicated evils would cease to exist. The individual, therefore, who trafficks in this poison, knowing the wide spread ruin which results from his agency, is, in the eye of Heaven, responsible for all, and merits the reprobation of his country. Where, in the eye of Eternal Justice, is the difference between him who strikes the blow of death, and him, who knowingly maddens the brain, and tempts and fires the soul, to strike it? Where is the difference between him who by the sale of this subtle poison causes four fifths of the pauperism, crime, sickness, insanity, and death, which afflicts the world, and him who does it by means of other poisons? What matters it to the widowed wife and wretched orphan, whether you consign the husband and father, to a premature grave by the midnight dagger, or by the lingering tortures of the drunkard's death? The difference is this, the enormity of guilt rests with heavier weight upon the head of the death dealing vender. In the first case, the destroyer inflicts upon the suffering survivor, a bereavement unimbittered with shame, and unstained by dishonor, while the latter superadds to the crime of murder, the destitution and loneliness of orphanage and widowhood, the wretched inheritance of poverty and disgrace. We repeat, therefore, that it is now too late to deny either the criminality of the traffick, or the magnitude of the evils which result from it. It has been said by some, that the granting of license to retail spiritous liquors is a source of revenue, that it would be unwise to

repeal the laws on that subject—and more especially, as the State at this time is in debt, and needs all the money she can command from every source. It is certainly true that the State is somewhat embarrassed in its moneyed matters, and we admit that every just and honorable effort should be made to meet the crisis; but we deny, and that without the fear of successful contradiction, that the granting of license to sell spiritous liquors has ever been, or ever will be, a source of revenue to the State; so far from it, it has been the prime cause of the loss of many thousands to the Treasury. The money paid at the Treasury for criminal prosecutions growing out of the too free use of spirits, greatly overbalances all moneys received on account of granting tavern licences; and in support of this opinion the committee are sustained by the petition of the Hon. the Judge and bar of the 16th Judicial District. And, although the public opinion may not be fully prepared for a total repeal of the license laws, yet your committee rejoice to know that public sentiment is fast approximating to that desirable end, and we believe that the time is near at hand when the people, with an almost united voice, will acquiesce in the total repeal of all laws authorizing the sale of alcoholic drinks, except as a medicine, or to promote the arts. Therefore,

Resolved, That so good a cause invites the aid and calls to its support the philanthropist, the moralist, the christian, and the patriot.

Resolved, That the numerous petitions made to the present Legislature, and the language therein expressed upon this subject, argues well for the triumph of this too long neglected cause, and a determination in our fellow citizens to throw off this tyrannical yoke.

Resolved, further, That this important subject be again referred to the body of the people, that the friends of reform may use every laudable effort to gain strength and march up in solid phalanx to give the finishing blow to this relentless foe.

CYRUS WINGATE, *Ch'm S. C.*
JAMES HINES, *Ch'm H. R. C.*

The said resolutions were twice read and unanimously concurred in.

Ordered, That the Public Printer print 1000 copies of the said report for the use of the Senate.

Mr. Ford moved the following resolution viz:

Resolved by the Senate, That the Chief Engineer, and J. T. Morehead and Samuel Daviess, two of the members of the Board of Internal Improvement, answer the following interrogatories, viz:

1st. The prominent reason why the letting of lock and dam No. 2, on Barren river, was postponed?

2d. In the location and determining on the dimensions and size of said lock, what part James R. Skiles acted in reference thereto; and, also, what part he acted in the delay deemed necessary in letting said lock and dam?

3d. Whether the lock authorized to be let on Muddy river could have been made on a larger plan than proposed by the Board, with a view to the navigation of said river, and the part acted by James R. Skiles in fixing on the site of said lock.

The rule of the Senate being dispensed with, the said resolution was adopted, and referred to the committee to whom was referred the nomina-

tion of James R. Skiles to be a member of the Board of Internal Improvement.

Mr. Wingate, from the committee of Religion, to whom was referred the petition of John O. Walden, praying for a divorce, reported the following resolution thereon, viz :

Resolved, That the said petition be rejected—which was concurred in.

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Betsy Ann Lambert, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State, announcing that he had approved and signed sundry enrolled bills and preamble and resolutions, of the following titles, viz :

An act to amend the law in relation to idiots and lunatics.

An act to divorce Elizabeth Penn from her husband, Warner Penn.

An act providing for a change of venue in the case of the Commonwealth against Joseph McMillen.

An act to amend the laws regulating civil proceedings, and for other purposes.

An act to amend an act to establish a Medical Institute in the city of Louisville.

An act to amend the 9th section of an act, entitled, an act for regulating the solemnization of marriages, approved February 3d, 1798.

An act to amend the law in civil proceedings.

An act to amend the act, entitled, an act to authorize Jailers to serve process in certain cases, approved February 9, 1836.

An act to amend the 7th section of an act, entitled, an act for the better securing the payment of rents, and preventing the fraudulent practices of tenants.

An act concerning the town of Princeton.

An act to authorize the County Court of Nicholas county to sell the Nicholas county Seminary, and for other purposes.

An act to incorporate the Mills' Point House Company.

An act for the benefit of the Sheriff of Livingston county.

An act to establish a State road from Hartford to Russellville.

An act for the benefit of the jailers of Bullitt and Breckinridge counties.

An act for the benefit of David Jones, late Sheriff of Mercer county.

An act to amend an act, entitled, an act to establish a State road from Shelbyville, by Floydsburg and Brownsboro', to Harmony Landing, on the Ohio river.

An act to amend the charter of Shelby College.

An act for the benefit of the Paducah Seminary.

An act to incorporate the Lagrange Seminary, in Oldham county, and for other purposes.

An act to incorporate the Spencer county Seminary.

An act to incorporate the Maysville Athenæum.

An act for the divorce of Granville C. Brown.

An act for the divorce of Thomas Isbell.

An act for the benefit of Lewis W. Kirtly.

An act for the benefit of Charlotte Stivers.

Preamble and resolutions concerning the public lands.

Approved February 12, 1840.

An act for the benefit of Joseph Clarke, late Sheriff of Franklin county, and for other purposes.

An act to incorporate the Trustees of the Buck Creek Seminary, and the Trustees of the Simpsonville Seminary.

An act for the benefit of Edwin Land and William Willborn.

Approved February 12, 1840.

Three messages, in writing, were received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, viz :

An act to authorize John Weedman to build a mill dam across Rough creek.

An act to repeal all laws declaring the little Obion, in Hickman county, a navigable stream above McCloud's Bluffs.

An act to change a part of the State road from Brandenburg to Bowlinggreen, and for other purposes.

An act to amend the charter of the Owingsville, Mountsterling and Winchester Turnpike Road Company.

An act to amend the charter of the Paris, Georgetown and Frankfort turnpike company.

An act to open a road from Waggener's Factory, in Hart county, to Elizabethtown, in Hardin county.

Reported the same with the opinion of the committee that they ought not to pass.

The question being taken on reading the said bills a third time, and it was decided in the negative, and so the said bills were disagreed to.

Mr. Ballinger, from the same committee, to whom was referred a bill

from the House of Representatives, entitled, an act to amend an act, entitled, an act to incorporate the Munfordville Bridge Company, reported the same with the opinion of the committee that it ought not to pass. The said bill is as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the subscriptions of stock, on the part of the State, in the Munfordville Bridge Company, shall only be made in like proportion as is now directed by law, in that portion of the Louisville and Nashville turnpike road lying between Elizabethtown and Bell's Tavern.

SEC. 2. *Be it further enacted,* That whenever one hundred shares of stock shall have been subscribed by individuals, then the Board of Internal Improvement shall be authorized to subscribe, on the part of the State, as is directed in the first section of this act; at which time the stockholders shall proceed to the election of a President, Treasurer, and such other officers as are now directed by law: Provided, that no call shall be made on the Board of Internal Improvement for funds subscribed on the part of the State, until such time as there may be funds on hand for Internal Improvement purposes not otherwise appropriated.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Ballinger and Schooling, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Anderson,
Huston,
Jesup,

Pitts,
Schooling,

Walker, J. V.
Weller—7.

Those who voted in the negative were—

Mr. Speaker,
Messrs. Ballinger,
Barlow,
Bradshaw,
Burnett,
Clarke,
Dixon,
Guthrie,

Hughes,
James,
Jasper,
Johnston,
Morgan, D.
Morgan, J. S.
Murrell,
Pratt,

Rice,
Tomlinson,
Wallace,
Walker, C. J.
Wickliffe,
Williams,
Wingate,
Young—24.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz :

An act to amend an act, entitled, an act to establish a State road from Colemansville, in Harrison county, to Covington, in Campbell county.

An act to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Ballinger, from the same committee, to whom was referred a bill to authorize the erection of toll gates on the turnpike roads from Bardstown and Louisville to the Tennessee line, and for other purposes, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on engrossing the said bill and reading it a third time, it was decided in the negative, and so the said bill was rejected.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to reduce the salaries of the Engineers of this State, and for other purposes, reported the same with an amendment. The said bill is as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the annual salary of the Chief Engineer of this State shall be twenty five hundred dollars per annum, and no more; the salaries of the Resident Engineers of this State shall be two thousand dollars per annum, and no more; and the salaries of the Assistant Engineers of this State shall be twelve hundred and fifty dollars per annum, and no more—all of which are to be paid quarterly as heretofore; and it shall be the duty of the Board of Internal Improvement, forthwith, to discharge every Engineer, Resident Engineer and Assistant Engineer, which are not absolutely necessary for the prosecution of the contemplated works of Internal Improvement for the present year; and the said Board shall not have any power to make any allowance to any of the above named officers for his personal and individual expenses; and the said Board shall have no power or authority to appoint more than one Engineer, Resident Engineer or Assistant Engineer on the Green river, or its tributaries; one on the Kentucky river, one on Licking river, and one on the roads contemplated to be improved; and they shall have no power to appoint any other officers to superintend any of the public works than those herein provided for.

Sec. 2. Be it further enacted, That the law now in force authorizing the Governor to appoint a Chief Engineer, shall be, and the same is hereby revived and continued in force until repealed, except so far as the salary of the Chief Engineer is concerned.

The amendment reported from the committee, proposes to strike out all the bill after the enacting clause, and to insert in lieu thereof the following, viz :

That the annual salaries of the Engineers of this Commonwealth, shall be the following sums, and no more, to wit: To the Chief Engineer, \$3,000; to the Resident Engineer on the Kentucky river, \$2,500; to the Resident Engineer on the Green and Barren river, \$2,000; to the Resident Engineer on the Licking river, \$2,000.

Be it further enacted, That it shall not be lawful for the Board of Internal Improvement to employ any assistant Engineer upon the Kentucky, Green, Barren, or Licking river during the present year, unless it should become absolutely necessary.

Be it further enacted, That if the employment of a road Engineer should become necessary, that the Board be authorized to employ one, but not at a greater salary than \$1,500 per annum, for the time he may be engaged in service.

The question being taken on concurring in the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Jasper and Weller, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Guthrie,	Pitts,
Messrs. Ballinger,	Hughes,	Slaughter,
Clarke,	Huston,	Wallace,
Davidson,	Morgan, D.	Wickliffe,
De Courcy,	Morgan, J. S.	Wingate—17.
Ford,	Murrell,	

Those who voted in the negative were—

Messrs. Anderson,	Jasper,	Tomlinson,
Barlow,	Jesup,	Walker, J. V.
Bradshaw,	Johnston,	Weller,
Burnett,	Pratt,	Williams,
Dixon,	Rice,	Young—17.
James,	Schooling,	

Mr. Guthrie moved to lay the said bill on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rice and Jesup, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Ford,	Morgan, J. S.
Clarke,	Guthrie,	Slaughter,
Davidson,	Hughes,	Wallace—10.
De Courcy,		

Those who voted in the negative were—

Mr. Speaker,	Jesup,	Tomlinson,
Messrs. Anderson,	Johnston,	Walker, C. J.
Barlow,	Morgan, D.	Walker, J. V.
Bradshaw,	Murrell,	Weller,
Burnett,	Pitts,	Wickliffe,
Dixon,	Pratt,	Williams,
Huston,	Rice,	Wingate,
James,	Schooling,	Young—25.
Jasper,		

Mr. Ballinger moved to strike out \$2,500, and insert in lieu thereof \$3,000, as the salary of the Chief Engineer.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rice and Jasper, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hughes,	Pratt,
Messrs. Ballinger,	Huston,	Slaughter,
Clarke,	Johnston,	Wallace,
Davidson,	Morgan, D.	Walker, C. J.
De Courcy,	Morgan, J. S.	Wickliffe,
Ford,	Murrell,	Wingate—20.
Guthrie,	Pitts,	

Those who voted in the negative were—

Messrs. Anderson,	James,	Tomlinson,
Barlow,	Jasper,	Walker, J. V.
Bradshaw,	Jesup,	Weller,
Burnett,	Rice,	Williams,
Dixon,	Schooling,	Young—15.

Mr. Pitts moved to reconsider the last vote.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pitts and Pratt, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	James,	Schooling,
Barlow,	Jasper,	Walker, J. V.
Bradshaw,	Johnston,	Weller,
Burnett,	Murrell,	Williams,
Dixon,	Pitts,	Wingate,
Huston,	Rice,	Young—18.

Those who voted in the negative were—

Mr. Speaker,	Guthrie,	Slaughter,
Messrs. Ballinger,	Hughes,	Tomlinson,
Clarke,	Jesup,	Wallace,
Davidson,	Morgan, D.	Walker, C. J.
De Courcy,	Morgan, J. S.	Wickliffe—17.
Ford,	Pratt,	

The question was again taken on the adoption of the amendment to strike out \$2,500, and insert \$3,000, as the salary of the Chief Engineer, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Burnett and James, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Guthrie,	Slaughter,
Messrs Ballinger,	Hughes,	Wallace,
Clarke,	Morgan, D.	Walker, C. J.
Davidson,	Morgan, J. S.	Wickliffe,
De Courcy,	Murrell,	Wingate—17.
Ford,	Pratt,	

Those who voted in the negative were—

Messrs. Anderson,	James,	Schooling,
Barlow,	Jasper,	Tomlinson,
Bradshaw,	Jesup,	Walker, J. V.
Burnett,	Johnston,	Weller,
Dixon,	Pitts,	Williams,
Huston,	Rice,	Young—18.

Mr. Guthrie moved to recommit the said bill to the committee on Internal Improvement.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rice and Weller, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,	Guthrie,	Pratt,
Messrs. Ballinger,	Hughes,	Slaughter,
Clarke,	Johnston,	Wallace,
Davidson,	Morgan, J. S.	Walker, C. J.
De Courcy,	Murrell,	Wickliffe,
Ford,	Pitts,	Wingate—18.

Those who voted in the negative were—

Messrs. Anderson,	James,	Tomlinson,
Barlow,	Jasper,	Walker, J. V.
Bradshaw,	Jesup,	Weller,
Burnett,	Rice,	Williams,
Dixon,	Schooling,	Young—16.
Huston,		

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill appropriating the proceeds of the State's interest to lots in the town of Skilesville to the excavation of water power canal, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title be amended to

read, an act for the excavation of a canal for water power, at lock and dam No. 3, on Green river.

On the motion of Mr. Ballinger, the committee of Internal Improvement were discharged from the further consideration of all the business referred to them, except a bill from the House of Representatives, entitled, an act to reduce the salaries of the Engineers of this State, and for other purposes.

On the motion of Mr. Jasper, the remonstrance of sundry citizens of the Cumberland river division of the State, against carrying out the system of Internal Improvement until justice be done to that part of the State, was withdrawn.

Mr. Johnston, from the committee on Finance, to whom was referred a bill more effectually to secure the collection and payment of fines and forfeitures, reported the same with the opinion of the committee that it ought not to pass. The said bill is as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of any law or act, or parts of acts, as vests in the cities of Lexington and Louisville, the fines and forfeitures, or any part of them, arising within the said cities, shall be, and the same are hereby repealed; and hereafter, all the fines and forfeitures, of whatever nature, arising or accruing to the Commonwealth within said cities, and each of them, and within the counties of Jefferson and Fayette, and each of them, shall be paid to the Trustee of the jury fund in the respective counties in the same manner, and to the same uses as is prescribed relative to the fines and forfeitures in other counties, and shall be applied, accounted for and paid over under the like sanctions and penalties, any law to the contrary notwithstanding.

Mr. Guthrie moved to amend the same by adding thereto the following, viz :

"And the city of Louisville is discharged from the payment of any and all moneys into the public Treasury, out of, or on account of said fines."

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Pratt, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,	Ford,	Jasper,
Messrs. Anderson,	Guthrie,	Johnston,
Ballinger,	Hughes,	Murrell,
Burnett,	Huston,	Pratt,
Dixon,	James,	Wallace—15.

Those who voted in the negative were—

Messrs. Barlow,	Davidson,	Morgan, J. S.
Bradshaw,	De Courcy,	Schooling,
Clarke,	Jesup,	Slaughter,

Tomlinson,
Walker, C. J.
Walker, J. V.

Weller,
Wickliffe,

Williams,
Wingate—16.

Mr. Anderson moved an amendment to the said bill by adding thereto the following, viz:

Provided, that the Chancellor of the city of Louisville shall, in lieu of all salaries now received, be paid, out of the Treasury, the sum of \$2,000; and the Circuit Judge of the 5th Judicial District shall be paid, out of the Treasury, the sum of \$1,500 annually; and the Police Judge of the city of Louisville shall be paid, out of the Treasury, the sum of \$1,200 annually; and the Police Judge of the city of Lexington shall be paid, out of the Treasury, the sum of five hundred dollars annually.

Mr Guthrie moved to lay the said bill and amendment on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Guthrie, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Burnett,
Dixon,
Ford,

Guthrie,
Huston,
Johnston,
Morgan, D.

Rice,
Wallace,
Williams,
Wingate—12.

Those who voted in the negative were—

Messrs. Anderson,
Ballinger,
Barlow,
Bradshaw,
Clarke,
Davidson,

De Courcy,
Hughes,
Jasper,
Murrell,
Pitts,
Schooling,

Tomlinson,
Walker, C. J.
Walker, J. V.
Weller,
Wickliffe—17.

Mr. Johnston moved that the said bill and amendment be referred to the committee on the Judiciary.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Huston, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Burnett,
Davidson,
Dixon,
Ford,
Guthrie,

Hughes,
Huston,
Johnston,
Morgan, D.
Murrell,
Pitts,

Pratt,
Slaughter,
Wallace,
Williams,
Wingate—17.

Those who voted in the negative were—

Messrs. Anderson,	De Courcy,	Tomlinson,
Ballinger,	Jasper,	Walker, C. J.
Barlow,	Jesup,	Walker, J. V.
Bradshaw,	Morgan, J. S.	Weller,
Clarke,	Schooling,	Wickliffe—15.

Mr. Johnston, from the same committee, reported a bill relative to the Board of Internal Improvement, which was read the first time, and ordered to be read a second.

The constitutional rule as to the second reading being dispensed with, the said bill was recommitted to the committee of Finance.

Mr. Johnston, from the same committee, to whom was referred a bill for the benefit of the Bank of Kentucky, reported the same without amendment. The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the President and Directors of the Bank of Kentucky may deal in the stock of said Bank, and may sell the bonds received from the Commonwealth in payment of one million of the stock of the Bank, on such terms as may be esteemed for the interest of the Bank, and invest the proceeds in the stock of the Bank; Provided, not more than fifteen thousand shares shall be bought under this provision; and the Legislature reserves the right to repeal or modify this provision.

The question being taken on engrossing and reading the said bill a third time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Wickliffe and Guthrie, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Guthrie,	Rice,
Messrs. Burnett,	Huston,	Wallace,
Dixon,	Johnston,	Williams,
Ford,	Morgan, D.	Wingate—12.

Those who voted in the negative were—

Messrs. Anderson,	De Courcy,	Tomlinson,
Ballinger,	Hughes,	Walker, C. J.
Barlow,	Jasper,	Walker, J. V.
Bradshaw,	Murrell,	Weller,
Clarke,	Pitts,	Wickliffe—17.
Davidson,	Schooling,	

Mr. Johnston, from the same committee, reported the following resolution, viz:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the Governor of this Commonwealth be, and he is hereby authorized and requested to appoint some fit and proper person to examine and report to the next Legislature, the condition of the receiver's books for the land district west of the Tennessee river; and that said individual shall compare the entries made with said receiver with his settlements with the Auditor, and report fully as to the state of his accounts, and also such other matters as he may deem expedient and proper.

The rule of the Senate being dispensed with, the said resolution was twice read and adopted.

Mr. Clarke, from the committee on Education, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act to incorporate the Russellville Library Company.

An act to incorporate the Tan Theta Kappa Society of Georgetown College.

An act for the benefit of the Kentucky Seminary.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Clarke, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of the Common School Commissioners in Wayne county.

2. An act for the benefit of the City School of Lexington.

Reported the same with the opinion of the committee that they ought not to pass.

The question being taken on reading the first bill a third time, it was decided in the negative, and so the said bill was rejected; and the second bill was placed in the orders of the day.

Mr. Clarke, from the same committee, to whom was referred a bill for the benefit of the Stanford Seminary, reported the same without amendment.

Ordered, That the said bill be laid on the table.

Mr. Clarke, from the same committee, to whom was referred a bill to amend an act to establish a system of Common Schools in the State of Kentucky, approved February, 1839, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was rejected.

Mr. Clarke, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to provide for framing the Potrait of Daniel Boone, and for other purposes, reported the same without amendment. The said bill is as follows, viz:

WHEREAS, W. C. Allen did present to the State of Kentucky a full length portrait of Daniel Boone, the first pioneer of Kentucky; and, whereas, this House has, by resolution, determined to have said portrait suspended in the representative hall—wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Secretary of State be, and he is hereby directed to cause the said portrait to be framed and suspended in some suitable place in said hall; and said Secretary shall present to the Second Auditor an account of the cost of same, for which a warrant shall be drawn on the Treasury, to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 2. That the Second Auditor is hereby directed to issue his warrant in favour of said Allen for the sum of five hundred dollars, to be paid out of the ordinary revenue of this State.

Mr. Rice moved to amend the said bill by striking out the second section, and the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rice and Burnett, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Jesup,	Walker, J. V.
Bradshaw,	Morgan, J. S.	Weller,
Burnett,	Pitts,	Williams,
Davidson,	Rice,	Wingate,
Jasper,	Schooling,	Young—15.

Those who voted in the negative were—

Mr. Speaker,	Hughes,	Murrell,
Messrs. Anderson,	Huston,	Pratt,
Ballinger,	Johnston,	Wallace,
Clarke,	Morgan, D.	Walker, C. J.—13.
Guthrie,		

Ordered, That the said bill be laid on the table.

On the motion of Mr. Clarke, the committee on Education was discharged from the duty of preparing and bringing in a bill making an appropriation to the Spencer county Seminary, and a bill for the benefit of Transylvania University, and for other purposes; and from the further consideration of so much of the Governor's message as relates to Education.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Harris W. Thompson, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Jesup, from the same committee, to whom was referred a bill from

the House of Representatives, entitled, an act for the benefit of the Sheriff of Hopkins county, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Jesup, the committee on Military Affairs was discharged from the further consideration of so much of the Governor's message as relates to military affairs.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill for the benefit of the heirs and widow of Benjamin Mills, deceased, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, reported a bill allowing an additional chancery term to the Fleming Circuit Court, and a bill supplemental to an act to establish the 17th Judicial District.

Which bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz :

1. An act to establish the town of Providence, in Hopkins county.
2. An act to authorize the Auditor to certify copies.
3. An act to regulate the appointment of Commissioners in chancery.

The 1st and 2d bills were ordered to be read a third time, and the 3d was laid on the table.

The constitutional rule as to the third reading of the 1st and 2d bills being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz :

- An act to amend and explain the 20th section of an act, approved

February 1st, 1833, entitled, an act to amend and enforce an act to incorporate the city of Louisville.

An act to amend the law governing the action of replevin.

An act to amend the law of descents and distribution.

Reported the same with amendments to each—which were concurred in.

Ordered, That the said bills be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Thomas P. Carson, of Calloway county, and Anthony N. Gatewood, of Trigg county, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Burnett and Davidson, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Jasper,	Walker, J. V.
Burnett,	Jesup,	Weller,
De Courcy,	Pitts,	Williams,
Ford,	Schooling,	Young—14.
James,	Wallace,	

Those who voted in the negative were—

Mr. Speaker,	Guthrie,	Pratt,
Messrs. Ballinger,	Hughes,	Walker, C. J.
Bradshaw,	Johnston,	Wickliffe,
Davidson,	Morgan, J. S.	Wingate—12.

A bill from the House of Representatives, entitled, an act to change the name of the town of Chiltonsville, in Henry county, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

The motion to reconsider the vote disagreeing to a bill from the House of Representatives, entitled, an act for the benefit of Armstead Crane, was taken up.

And then the Senate adjourned.

SATURDAY, FEBRUARY 15, 1840.

A message was received from the House of Representatives, announcing that they had received official information that the Lieutenant and Acting Governor had approved and signed enrolled bills which originated in that House, of the following titles, viz:

An act for the benefit of Sarah Jane Dorman.

An act for the benefit of the Sheriffs of Madison, Henry and Lewis counties.

An act to provide for paying the expense of keeping prisoners, previous to and pending their examination before Justices of the Peace.

An act for the benefit of John Blankenship.

An act for the benefit of the Fire Company in the town of Augusta.

An act to establish election precincts in Kenton and Campbell counties.

An act for the benefit of Nancy Turner.

An act for the benefit of Philip Board, of Hancock county.

An act authorizing Mary Jackson to bind out her infant children.

An act to amend an act, entitled, an act to establish the town of Landing, in Boone county.

An act for the benefit of Thomas P. Hart.

An act for the benefit of James W. Irwin, and others.

An act to amend an act, entitled, an act to amend the act further to regulate the Wilderness turnpike road, approved January 27th, 1838.

An act to establish the town of Burtonsville, in Daviess county, and to increase the powers of the Trustees of the town of Monticello.

An act to increase the number of juridical days allowed the Circuit Court of Hardin county, and for other purposes.

An act to legalize the acts of the Trustees of Hodgenville, and for other purposes.

An act for the benefit of Wallace Estill and wife.

An act to incorporate the Franklin Institute of Bacon College.

An act for the benefit of Benjamin F. Major.

An act for the benefit of James G. Hardy.

An act to incorporate the town of Uniontown, in Union county.

An act to authorize the County Court of Daviess county to change that part of the State road leading from the mouth of Salt river to Shawneetown, which lies within the limits of the town of Owenborough.

An act for the benefit of Ann Cable.

An act to amend an act, entitled, an act to establish the Southern Bank of Kentucky.

An act giving Justices of the Peace jurisdiction in actions of trespass and trespass on the case where the damages laid are five pounds, and under.

Approved February 12, 1840.

An act for the benefit of the Lexington and Georgetown Turnpike Road Company.

An act for the benefit of Isaac Jones, committee of Ruth Jones, of Green county.

An act to appoint Commissioners to close the concerns of the Shepherdsville Bank.

An act to equalize the salaries of the Circuit Judges of this Commonwealth.

An act to explain and enforce an act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24th, 1834—and an act to amend said act, approved February 8th, 1839.

An act to regulate the fees of County Court Clerks.

An act to amend the charter of the Oakland Turnpike Road Company.

An act to amend an act concerning the laying and collecting the county levy of Fayette, approved February 25th, 1836.

Approved February 13, 1840.

That they had passed bills from the Senate of the following titles, viz:

An act to continue in force an act, entitled, an act to establish the Police Court of Louisville, and to amend the charter of said city.

An act for the benefit of the city of Maysville.

An act for the benefit of John Mastin.

An act for the benefit of Thomas H. Ballard.

An act to reduce into one the several acts concerning the running and marking the division lines between Washington and Marion counties.

An act to authorize the Franklin County Court to hold a term on the 3d Monday in February, in the year 1840, and for other purposes.

An act to extend and continue in force an act, approved 29th February, 1836, entitled, an act extending, for a certain period, and with certain limitations, the charter of the old Bank of Kentucky.

An act concerning the town of Glasgow.

With an amendment to the last bill.

And that they had passed bills of the following titles, viz:

1. An act allowing an additional Constable to the county of Spencer, and for other purposes.

2. An act for the benefit of Scott county.

3. An act to change the place of voting from H. Ditto's to Bloomington, in Hardin county.

4. An act to change the place of voting in the Tarapin Precinct, in Graves county.

5. An act for the benefit of William B. Keas.

6. An act for the benefit of Andrew Trumbo.

7. An act for the benefit of Obediah E. Wilhoite.

8. An act in aid of the last will and testament of Henry Smith, deceased.

9. An act to amend an act, entitled, an act to incorporate the Versailles Savings Institution, approved February 28, 1835.

10. An act for the benefit of the Surveyor of Lewis county.

11. An act requiring certain claims, payable out of the Treasury of the State, to be reported to the Circuit Courts.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills, (except the 10th,) being dispensed with, they were referred: the 1st, 2d, 8th, 9th and 11th to the committee on the Judiciary; the 3d and 4th to the committee of Privileges and Elections, and the 5th, 6th and 7th to the committee of Finance.

The constitutional rule as to the second and third readings of the 10th bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The question was taken on the motion to reconsider the vote disagreeing to a bill from the House of Representatives, entitled, an act for the benefit of Armstead Crane, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Ballinger and J. V. Walker, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Ford,	Tomlinson,
Bradshaw,	James,	Walker, J. V.
Burnett,	Jasper,	Weller,
De Courcy,	Jesup,	Williams—14.
Dixon,	Schooling,	

Those who voted in the negative were—

Mr. Speaker,	Guthrie,	Pratt,
Messrs. Anderson,	Hughes,	Wallace,
Ballinger,	Johnston,	Walker, C. J.
Clarke,	Morgan, J. S.	Wickliffe,
Davidson,	Pitts,	Wingate—15.

Mr. Ballinger read and laid on the table the following resolution, viz:

Resolved by the General Assembly, That the joint resolution, declaring

when the General Assembly adjourn on the 17th instant, they will adjourn without day, be, and the same is hereby rescinded.

Mr. Ballinger moved that the rule of the Senate requiring the said resolution to lie on the table one day, be dispensed with.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Ballinger and James, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Johnston,	Slaughter,
Messrs. Anderson,	Morgan, D.	Tomlinson,
Ballinger,	Morgan, J. S.	Walker, C. J.
Clarke,	Murrell,	Wickliffe—14.
Davidson,	Schooling,	

Those who voted in the negative were—

Messrs. Barlow,	Hughes,	Wallace,
Bradshaw,	James,	Walker, J. V.
Burnett,	Jasper,	Weller,
De Courcy,	Jesup,	Williams,
Dixon,	Pitts,	Wingate,
Ford,	Pratt,	Young—19.
Guthrie,		

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to change the name of the town of Chiltonsville, in Henry county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law in relation to the Court of Appeals, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Wingate, from the committee of Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Mary Ann Winebrinner, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Johnston, from the committee of Finance, to whom was referred a bill relative to the Board of Internal Improvement, reported the same, and it was laid on the table.

On the motion of Mr. Johnston, the committee of Finance was discharged from the duty of preparing and bringing in a bill providing the same compensation for grand jurors as is now allowed by law to the petit jurors of this Commonwealth.

Mr. Jesup, from the committee on Military Affairs, to whom was referred bill a from the House of Representatives, entitled, an act for the benefit of John Keizer, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz :

By Mr. Guthrie, from the committee on the Judiciary—A bill to incorporate the Louisville Pottery Company.

By Mr. De Courcy—A bill to amend an act on the subject of the milk sickness.

Which bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. De Courcy, the remonstrances in relation to the county of Kenton were withdrawn.

The report of the committee of conference on a bill from the House of Representatives, entitled, an act for the benefit of Abner Belton, was concurred in.

Resolved, That the Senate disagree to the amendment proposed by the House of Representatives to a bill from the Senate, entitled, an act to amend the militia laws.

Resolved, That the Senate concur in the amendment proposed by the House of Representatives to a bill, entitled, an act concerning the town of Glasgow.

A bill from the House of Representatives, entitled, an act to change the time of holding, and to extend the terms of the Green and Hart Circuit Courts, was read the third time, as amended, and referred to a committee of Messrs. Ford, Murrell, Anderson and Barlow.

Mr. Barlow, from the joint committee of Enrollments, reported that the committee had examined enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act to extend the charter of the Bank of the Commonwealth of Kentucky, and to authorize the appointment of a Commissioner to close the affairs of said Bank.

An act to exempt the members of the Fire Companies in the city of Maysville from militia duty.

An act for the relief of the securities of Wesley M. Garnett, deceased, and Henderson Murphy.

An act to continue in force an act, entitled, an act to establish the Police Court of Louisville, and to amend the charter of said city.

An act providing for a change of venue in the prosecution against U. B. Chambers.

An act for the benefit of the city of Maysville.

An act for the benefit of John Mastin.

An act to reduce into one the several acts concerning the running and marking the division lines between Washington and Marion counties.

An act for the benefit of Thomas H. Ballard.

An act to extend and continue in force, an act, approved 29th February, 1836, entitled, an act extending for a certain period, and with certain limitations, the charter of the Old Bank of Kentucky.

An act to authorize the Franklin County Court to hold a term on the third Monday in February, in the year 1840, and for other purposes.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Two messages, in writing, were received from the Lieutenant and Acting Governor, by Mr. Coleman, assistant Secretary of State.

A bill from the House of Representatives, entitled, an act for the benefit of Thomas P. Carson, of Calloway county, and Anthony N. Gatewood, of Trigg county, was read the third time as follows, viz:

WHEREAS, it is represented to the General Assembly, that Thomas P. Carson, of Calloway county, has, within the last three years, brought two slaves from the State of Mississippi to this State, and sold them within the same; and, whereas, it is represented that Anthony N. Gatewood, of Trigg county, did, in the month of October, 1839, purchase, in the county of Montgomery and State of Tennessee, a negro woman named Sally, and her child named James, and did import said woman and child to the county of Trigg, in the State of Kentucky, for his own use, and not to sell or dispose of the same; and whereas, the said Carson and Gatewood are subject

to heavy penalties for the importation of said slaves respectively abovementioned—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Carson and Gatewood are hereby respectively released from the penalties imposed by an act, entitled an act to amend the law prohibiting the importation of slaves into this State, approved February 2, 1833, so far as they may be respectively liable thereto, in consequence of the importation of the slaves in the preamble to this act described and referred to.

The question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Jesup and Ballinger, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	James,	Wallace,
Burnett,	Jasper,	Walker, J. V.
De Courcy,	Jesup,	Weller,
Dixon,	Pitts,	Williams,
Ford,	Schooling,	Young—15.

Those who voted in the negative were—

Mr. Speaker,	Hughes,	Rice,
Messrs. Ballinger,	Huston,	Slaughter,
Barlow,	Johnston,	Tomlinson,
Bradshaw,	Morgan, D.	Walker, C. J.
Clarke,	Morgan, J. S.	Wickliffe,
Davidson,	Murrell,	Wingate—20.
Guthrie,	Pratt,	

Bills from the House of Representatives of the following titles, were laid on the table, viz:

An act to amend an act, entitled, an act giving officers and crews, and mechanics and others, a lien on steamboats, approved January 30, 1839.

An act for the benefit of the City School of Lexington.

Resolutions from the House of Representatives in relation to the duty on salt, were twice read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives be requested, to use their best efforts to effect a repeal of all laws laying a duty on the importation of salt.

Resolved, That the Lieutenant and Acting Governor be requested to forward a copy of the foregoing resolution to each Senator and Representative in Congress, from this State.

Mr. Wickliffe moved to lay the said resolutions on the table until the first day of June next.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pratt and Wallace, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Huston,	Pitts,
Messrs. Ballinger,	Jesup,	Slaughter,
Bradshaw,	Johnston,	Walker, C. J.
Clarke,	Morgan, D.	Walker, J. V.
Davidson,	Morgan, J. S.	Weller,
Dixon,	Murrell,	Wickliffe—18.

Those who voted in the negative were—

Messrs. Anderson,	Hughes,	Tomlinson,
Barlow,	James,	Wallace,
Burnett,	Jasper,	Williams,
De Courcy,	Pratt,	Wingate,
Ford,	Rice,	Young—17.
Guthrie,	Schooling,	

A resolution from the House of Representatives concerning lock and dam No. 1, on Licking river, was twice read and referred to the committee of Internal Improvement.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to amend the charter of the city of Louisville, with amendments.

The said bill and amendments were referred to the committee on the Judiciary. After some time, Mr. Guthrie, from the said committee, reported the same without amendment. The said amendments were concurred in.

Mr. Pitts presented the memorial of sundry citizens of Warren county, in relation to lock and dam No. 2, on Barren river, and a letter from W. L. Underwood in relation to the conduct of James R. Skiles, as a member of the Board of Internal Improvement, which was received and referred to the committee to whom was referred the nomination of James R. Skiles.

A message was received from the House of Representatives, announcing that they had adopted resolutions rescinding the resolution fixing on the 17th instant for the final adjournment of the General Assembly, and fixing on the 21st instant for that purpose—which were taken up and twice read.

On the motion of Mr. Barlow, the joint committee of Enrollments were directed to ask leave to withdraw an enrolled bill, entitled, an act to extend the charter of the Bank of the Commonwealth of Kentucky, and to authorize the appointment of a Commissioner to close the affairs of said Bank, which was this day laid before the Lieutenant and Acting Governor for his approbation and signature. After a short time the said bill was returned to the Senate, and laid on the table.

And then the Senate adjourned.

MONDAY, FEBRUARY 17, 1840.

A message was received from the House of Representatives, announcing that they had disagreed to the amendments proposed by the Senate to bills from that House of the following titles, to wit:

An act to allow an additional Justice of the Peace in Pendleton county.

An act to change the time of holding the Circuit Courts in the 2d Judicial District.

That they had disagreed to the first, and concurred in the second and third amendments proposed by the Senate to a bill from that House, entitled, an act allowing additional Constables to Mason, Rockcastle, Oldham and Pulaski counties, and to change a Constable's district in Russell county.

That they had concurred in the amendments proposed by the Senate, to bills from that House of the following titles, viz:

An act for the benefit of Rachel Watts, and her children.

An act for the benefit of Harriet and Alexander Howison.

An act for the benefit of T. N. Burgess.

An act regulating the appointment of the Commissioners of the revenue in this Commonwealth.

An act to amend the laws, now in force, prescribing the fees and commissions of the Marshal of the Louisville Chancery Court, and for other purposes.

An act to amend the law in relation to ferries on Cumberland and Tennessee rivers, in Trigg county.

An act for the benefit of the Sheriff of Hopkins county.

An act to amend the law of descents and distribution.

An act to amend the law governing the action of replevin.

An act to amend an act to explain the 20th section of an act, approved 1st February, 1833, entitled, an act to amend and enforce an act to incorporate the city of Louisville.

With amendments to the amendments to the last named bill.

That they had passed bills which originated in the Senate, of the following titles, viz:

An act to establish the town of Lafayette, in the county of Henderson.

An act for the benefit of Edward S. Coleman, late Sheriff of Franklin county.

An act supplemental to an act to establish the 17th Judicial District.

An act for the benefit of William Withers and wife.

An act for the benefit of John Shaw, late Clerk of Hickman County Court.

An act to authorize the Fleming County Court to lay their levy at the May term.

An act to repeal the February chancery term in the county of Mason.

An act defining certain powers and duties of the Trustees of the town of Winchester, and for other purposes.

An act concerning the Lexington and Ohio Railroad Company.

An act to repeal an act, entitled, an act to change the place of voting from Greenville C. Alfred's, in Washington county, to William Sutherland's, approved January 23d, 1840.

An act to establish election precincts in the counties of Montgomery and Barren.

An act for the further relief of the Sheriff of Livingston county.

An act to amend the charter of the Cynthiana Fire Company.

An act to amend an act, entitled, an act to amend the laws defining the powers of the Trustees of the town of Newport, approved January 12th, 1830.

An act for the benefit of the children of Abner Gore.

An act for the benefit of Joseph Ballinger.

An act allowing an additional Justice of the Peace to Barren county.

An act allowing an additional chancery term to the Fleming Circuit Court.

With amendments to the two last named bills—which amendments were concurred in.

That they had concurred in a resolution providing for the examination of the books of the late receiver of public moneys west of the Tennessee river.

And that they had passed bills of the following titles, viz:

1. An act for the benefit of Charles Faulkner, of the county of Trigg.
2. An act for the benefit of the widow of John Hamilton, deceased.
3. An act regulating the jurisdiction of the Police Judge of the town of Frankfort.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was ordered to be read a third time, and the 2d and 3d were referred to the committee on the Judiciary.

The following messages, in writing, heretofore received from the Lieutenant and Acting Governor, were taken up, viz:

EXECUTIVE OFFICE,
February 13, 1840. }

Gentlemen of the Senate:

I nominate for your advice and consent, Samuel Mars to be Colonel of the 30th Regiment, in place of William K. McCord, resigned.

John M. Howe to be Lieutenant Colonel of the 30th Regiment, in place of Samuel Mars, if promoted.

C. A. WICKLIFFE.

EXECUTIVE OFFICE, }
February 14, 1840. }

Gentlemen of the Senate:

I nominate for your advice and consent William Gordon, Thomas McCormack, Benjamin Barnes, F. W. Miller, and Blunt Hodge, Trustees of Cumberland Hospital.

Respectfully, your obedient servant,

C. A. WICKLIFFE.

EXECUTIVE OFFICE, }
February 13, 1840. }

Gentlemen of the Senate:

I nominate for your advice and consent, the following named persons to be commissioned for the offices, attached to their names, for the new county of Kenton, to wit:

Arthur Connelly, to be Coroner.

Leonard Stephens, to be Sheriff.

James G. Arnold, Thomas G. Tupman, Joseph Winston, James Dedman, Lewis Klette, John Byland, Robert M. Carlisle, Hamilton Martin, Waller C. Herndon, W. M. Respass, and David L. Fisk, to be Justices of the Peace, being recommended to me by a majority of the members of the House of Representatives in the Senatorial district in which the county of Kenton is situated.

Respectfully, your obedient servant,

C. A. WICKLIFFE.

EXECUTIVE OFFICE, }
February 15, 1840. }

Gentlemen of the Senate:

I nominate for your advice and consent, Richard S. Wheatley to be Notary Public in the county of Jefferson.

Respectfully, your obedient servant,

C. A. WICKLIFFE.

EXECUTIVE OFFICE, }
February 15, 1840. }

Gentlemen of the Senate:

I nominate for your advice and consent William Cogswell to be Colonel of the 20th Regiment, in place of Alexander Givens, resigned.

Bushrod T. Boswell to be Lieutenant Colonel of the 20th Regiment, in place of William Cogswell, if promoted.

Daniel Shawhan to be Major of the 20th Regiment, in place of Bushrod T. Boswell, if promoted.

Joseph T. Swetnam to be Colonel of the 65th Regiment, in place of Jas. Workham, resigned.

David W. Fletcher to be Lieutenant Colonel of the 65th Regiment, in place of Joseph T. Swetnam, if promoted.

Thomas F. Jones to be Major of the 65th Regiment, in place of David W. Fletcher, if promoted.

Benjamin Northcutt to be Colonel of the 105th Regiment, in place of Cornelius W. McDonald, resigned.

Samuel Rector to be Lieutenant Colonel of the 105th Regiment, in place of Benjamin Northcutt, if promoted.

John Cox to be Major of the 105th Regiment, in place of Samuel Rector, if promoted.

William G. Pearce to be Colonel of the 117th Regiment, in place of Henry W. Johnson, resigned.

Burr H. May to be Lieutenant Colonel of the 117th Regiment, in the room of William G. Pearce, if promoted.

Elijah Whitaker to be Major of the 117th Regiment, in place of Burr H. May, if promoted.

Respectfully,

C. A. WICKLIFFE.

The nomination of John M. Howe, to be Lieutenant Colonel of the 30th Regiment, was referred to the committee on Military Affairs.

Resolved, That the Senate advise and consent to the appointment of each of the other persons as nominated in the said messages.

Mr. Weller presented the petition of the Sheriff of Caldwell county, and his securities, praying for the passage of a law giving said Sheriff further time to pay the revenue of said county for the year 1839, which was received and referred to the committee of Finance.

Mr. Guthrie, from the committee on the Judiciary, reported the following bills, viz:

A bill to amend the law in relation to the defaulting collectors of the revenue.

A bill to alter the time of holding the Bourbon and Estill Circuit Courts, and for other purposes.

Which were each read the first time.

Ordered, That the said bills be read a second time.

The constitutional rule as to the second and third readings being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred, bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act for the benefit of Scott county.

An act to amend an act, entitled, an act to incorporate the Versailles Savings Institution, approved February 28th, 1835.

An act requiring certain claims, payable out of the Treasury of the State, to be reported to the Circuit Courts.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill, entitled, an act to restore the privileges of the Banks when they resume specie payments, and the amendments proposed thereto by the House of Representatives, reported the same with amendments to said amendments. The said bill is as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Bank of Kentucky, Northern Bank of Kentucky, and the Bank of Louisville, shall be restored to all the rights and privileges granted by their respective charters, so soon as they shall respectively resume the payment of their notes in circulation, and their other liabilities, in gold or silver: *Provided*, That if either of said Banks shall not resume specie payments on or before the first day of the next session of the Legislature, such Bank shall not be exonerated from a forfeiture of its charter, but the next session of the Legislature shall have the same power to enforce a forfeiture of the charter of such Bank, for the failure to redeem its notes and other liabilities in gold and silver, that the present Legislature now has: *And, provided further*, That said Banks, after they resume specie payments, and shall thereby be restored to all the rights and privileges of their charters, shall be liable to all the fines, penalties, and liabilities, imposed by their respective charters, as though there never had been a breach of any of the provisions thereof.

The first amendment of the House of Representatives proposes to add to the bill the following proviso, viz :

Provided further, That nothing in this act shall be construed to release either of said Banks from damages, as provided in their respective charters, in case of their refusing to redeem their notes in gold or silver when a demand is made upon them in the manner prescribed by their charters.

The amendment reported from the committee proposes to add to the said amendment the following, viz :

"That the 8th section of an act, entitled, an act dispensing with quarterly and substituting monthly statements, and providing for monthly balance sheets to be lodged with the Secretary of State, by the Banks of this Commonwealth, shall be revived and continued in force for six months after the Banks shall, respectively, resume specie payments."

Which was concurred in.

Mr. Wickliffe moved to amend the said amendment by striking out all that part proposed by the House of Representatives, after the words "provided further, that," and to insert in lieu thereof the following, viz :

Said Banks shall not be liable on notes or liabilities incurred, or to be incurred, for greater damages than interest at the rate of six per cent. per annum, on the failure to pay the notes and liabilities on demand, during the suspension, in gold and silver.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Tomlinson and Slaughter, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Ford,	Pratt,
Messrs. Anderson,	Guthrie,	Slaughter,
Ballinger,	Huston,	Wallace,
Barlow,	Jesup,	Walker, J. V.
Bradshaw,	Johnston,	Wickliffe,
Clarke,	Morgan, D.	Williams,
Davidson,	Morgan, J. S.	Wingate,
De Courcy,	Murrell,	Young—26.
Dixon,	Pitts,	

Those who voted in the negative were—

Messrs. Burnett,	Jasper,	Walker, C. J.
Hughes,	Tomlinson,	Weller—7.
James,		

The said first amendment was then concurred in, as amended.

The second amendment of the House of Representatives, was amended to read as follows, viz:

Be it further enacted, That after the days fixed by the charter or by-laws of any of the Banks of this State, for the next election of Directors, no person shall be eligible to the office of Director, in any of the principal Banks in this State, whose debts and liabilities to such Bank shall exceed the sum of \$10,000 on accommodation notes; nor shall any one act or be appointed a Director of any of the Branch Banks whose liabilities shall exceed the sum of \$10,000 on accommodation notes.

The question being taken on concurring in the said amendment, as amended, it was decided in the negative, and so the said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Guthrie and Pratt, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Huston,	Wallace,
Messrs. Bradshaw,	James,	Walker, J. V.
Clarke,	Jasper,	Wickliffe,
Ford,	Pitts,	Wingate—14.
Hughes,	Rice,	

Those who voted in the negative were—

Messrs. Anderson,	Burnett,	Johnston,
Ballinger,	Davidson,	Morgan, D.
Barlow,	Guthrie,	Morgan, J. S.

Murrell,
Payne,
Pratt,

Tomlinson,
Weller,

Williams,
Young—16.

The third, fourth and fifth amendments, proposed by the House of Representatives, were disagreed to.

The sixth amendment of the House of Representatives proposes to add to the bill the following section, viz :

“That from and after the days fixed for the next election of Directors, in any of the Banks in this State, no member of the Legislature shall be eligible to the office of Director of any of the principal or branch Banks of this State; and that if, hereafter, any Director of any of the aforesaid Banks become a candidate for a seat in either branch of the Legislature, he shall, thereby, be taken and considered as having vacated his office of Director.”

The question being taken on concurring in the said amendment, it was decided in the negative, and so the said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Wickliffe and Ballinger, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Bradshaw,

Rice,
Walker, C. J.

Weller,
Wickliffe—6.

Those who voted in the negative were—

Messrs. Anderson,
Ballinger,
Barlow,
Burnett,
Clarke,
Davidson,
Dixon,
Ford,
Guthrie,

Hughes,
Huston,
James,
Jasper,
Jesup,
Johnston,
Morgan, D.
Morgan, J. S.
Murrell,

Payne,
Pratt,
Slaughter,
Tomlinson,
Wallace,
Walker, J. V.
Williams,
Wingate,
Young—27.

The seventh amendment of the House of Representatives proposes to add to the bill the following section, viz :

“That the Governor be and he is hereby empowered, by himself, or proxy by him in writing appointed, to vote for Directors in the several Banks of this Commonwealth, to the extent of the shares acquired by the purchase in said Banks.”

The question being taken on concurring in the said amendment, it was decided in the negative, and so the said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Wickliffe and Tomlinson, were as follows, viz :

Those who voted in the affirmative were—

Messrs. De Courcy,	Murrell,	Wallace,
Hughes,	Pitts,	Weller,
Johnston,	Tomlinson,	Wickliffe—10.
Morgan, J. S.		

Those who voted in the negative were—

Mr. Speaker,	Ford,	Payne,
Messrs. Anderson,	Guthrie,	Pratt,
Ballinger,	Huston,	Rice,
Barlow,	James,	Walker, C. J.
Bradshaw,	Jasper,	Walker, J. V.
Burnett,	Jesup,	Williams,
Clarke,	Morgan, D.	Wingate—22.
Davidson,		

The eighth amendment of the House of Representatives to the said bill, proposes to add to the said bill the following section, viz:

That the shares of the capital stock of the Bank of Kentucky, the Northern Bank of Kentucky, and the Bank of Louisville, shall be assignable and transferable only at the offices of the principal Banks, *respectively*; and the dividends declared, shall be paid alone at the principal Banks or Branches, *and in the same manner that the notes of said Banks are paid*.

The amendment to the said amendment proposes to strike out all after the word *respectively*, printed in italics.

The said section was amended by striking out these words, "and in the same manner that the notes of said Banks are paid."

The question was then taken on concurring in the amendment to the said amendment, reported from the committee, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Tomlinson, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Ford,	Murrell,
Messrs. Anderson,	Guthrie,	Payne,
Ballinger,	Hughes,	Pitts,
Barlow,	Huston,	Wallace,
Bradshaw,	James,	Walker, J. V.
Burnett,	Jesup,	Williams,
Clarke,	Morgan, D.	Wingate,
Davidson,	Morgan, J. S.	Young—24.

Those who voted in the negative were—

Messrs. De Courcy,	Tomlinson,	Wickliffe—5.
Rice,	Weller,	

The question being taken on concurring in the said eighth amendment of the House, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Guthrie and Huston, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Davidson,	Pitts,
Messrs. Anderson,	De Courcy,	Slaughter,
Ballinger,	Ford,	Wallace,
Barlow,	Hughes,	Walker, J. V.
Bradshaw,	James,	Wickliffe,
Burnett,	Jesup,	Williams,
Clarke,	Morgan, D.	Wingate—21.

Those who voted in the negative were—

Messrs. Guthrie,	Murrell,	Tomlinson,
Huston,	Payne,	Young—8.
Morgan, J. S.	Rice,	

Two messages, in writing, were received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

Mr. Hughes, from the committee of Enrollments, reported that the committee had examined enrolled bills and a resolution which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act defining certain powers and duties of the Trustees of the town of Winchester, and for other purposes.

An act to authorize the Fleming County Court to lay their levy at the May term.

An act to establish the town of Lafayette, in the county of Henderson.

An act for the benefit of William Withers and wife.

An act for the benefit of John Shaw, late Clerk of Hickman County Court.

An act to establish election precincts in the counties of Montgomery and Barren.

An act to repeal the February chancery term in the county of Mason.

An act supplemental to an act to establish the 17th Judicial District.

An act concerning the Lexington and Ohio Railroad Company.

An act to repeal an act, entitled, an act to change the place of voting from Greenville C. Alfred's, in Washington county, to William Sutherland's, approved January 23d, 1840.

An act for the further relief of the Sheriff of Livingston county.

An act for the benefit of Edward S. Coleman, late Sheriff of Franklin county.

An act to amend the charter of the city of Louisville, and for other purposes.

An act for the benefit of the children of Abner Gore.

An act to amend the charter of the Cynthiana Fire Company.

An act for the benefit of Joseph Ballinger.

An act to amend an act, entitled, an act to amend the laws defining the powers of the Trustees of the town of Newport, approved January 12th, 1830.

An act concerning the town of Glasgow.

A resolution providing for the examination of the books of the late receiver of public moneys west of the Tennessee river.

The said bills and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Hughes reported that the committee had performed that duty.

Resolutions from the House of Representatives to rescind the resolution to adjourn on the 17th, and to adjourn on the 21st instant, were again taken up, and are as follows:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the joint resolution fixing the 17th day of the present month, as the time for a final adjournment, be, and the same is hereby, rescinded.

Resolved, That when the two Houses adjourn on the 21st day of the present month, they will adjourn without day.

Mr. Wingate moved to amend the said resolutions by striking out all after the word "Kentucky," and insert in lieu thereof the following, to-wit:

That when they adjourn on Wednesday, the 19th inst., they will adjourn without day, instead of Monday the 17th inst., as heretofore agreed upon by a joint vote of both Houses.

Mr. Wickliffe moved the previous question. The question being taken "shall the main question be now put?" it was decided in the negative.

The yeas and nays being required thereon by Messrs. Barlow and Pratt, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Clarke,	Payne,	Walker, C. J.
Ford,	Pratt,	Walker, J. V.
Johnston,	Slaughter,	Weller,
Morgan, D.	Tomlinson,	Wickliffe,
Morgan, J. S.	Wallace,	Wingate—16.
Murrell,		

Those who voted in the negative were—

Mr. Speaker,	Barlow,	Davidson,
Messrs. Anderson,	Bradshaw,	De Courcy,
Ballinger,	Burnett,	Dixon,

Guthrie,
Hughes,
Huston,
James,

Jasper,
Jesup,
Pitts,

Rice,
Williams,
Young—19.

The question was then taken on the adoption of the amendment moved by Mr. Wingate, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Burnett and Huston, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Barlow,
Bradshaw,
Burnett,
Davidson,
De Courcy,

Dixon,
Ford,
Guthrie,
James,
Jasper,

Rice,
Walker, C. J
Walker, J. V
Wingate,
Young—15.

Those who voted in the negative were—

Mr. Speaker,
Messrs. Anderson,
Ballinger,
Clarke,
Hughes,
Huston,
Jesup,

Johnston,
Morgan, D.
Morgan, J. S.
Murrell,
Payne,
Pitts,
Pratt,

Slaughter,
Tomlinson,
Wallace,
Weller,
Wickliffe,
Williams—20.

The question was then taken on concurring in the said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Burnett and Rice, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Anderson,
Ballinger,
Clarke,
Davidson,
De Courcy,
Dixon,
Ford,

Huston,
Jesup,
Johnston,
Morgan, D.
Morgan, J. S.
Murrell,
Payne,
Pitts,

Slaughter,
Tomlinson,
Wallace,
Walker, C. J.
Walker, J. V.
Weller,
Wickliffe,
Wingate—24.

Those who voted in the negative were—

Messrs. Barlow,
Bradshaw,
Burnett,
Guthrie,

Hughes,
James,
Jasper,
Pratt,

Rice,
Williams,
Young—11.

Mr. Ballinger from the committee of Internal Improvement, reported a

bill to provide for the payment of public contractors and to preserve the faith of the State, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bill being dispensed with, it was placed in the orders of the day.

Resolved, That the Senate insist on the first amendment proposed by them to a bill from the House of Representatives, entitled, an act allowing additional Constables to Mason, Rockcastle, Oldham and Pulaski counties, and to change a Constable's district in Russell county; and that they insist on their amendment to a bill, entitled, an act to allow an additional Justice of the Peace in Pendleton county.

Resolved, That the Senate recede from their amendments to a bill from the House of Representatives, entitled, an act to change the time of holding the Circuit Courts in the 2d Judicial District.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives to the amendments proposed by them to a bill from that House, entitled, an act to amend and explain the 20th section of an act, approved 1st February, 1833, entitled, an act to amend and enforce an act to incorporate the city of Louisville.

A message was received from the House of Representatives announcing that they had passed a bill from the Senate, entitled, an act to fix the ratio and apportion the representation for the next four years, with amendments.

The said amendments, so far as they relate to the counties of Campbell and Kenton, were concurred in.

The other amendments propose to take the county of Lewis from the 35th Senatorial District and add it to the 34th Senatorial District, and take the county of Pike from the 34th Senatorial District and add it to the 37th Senatorial District.

Mr. Young moved that the Senate disagree to the said amendments. The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rice and Young, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Anderson,
Ballinger,
Barlow,
Bradshaw,
Burnett,
Davidson,
De Courcy,

Dixon,
Huston,
James,
Jasper,
Jesup,
Morgan, J. S.
Pitts,
Slaughter,

Tomlinson,
Wallace,
Walker, C. J.
Wickliffe,
Williams,
Wingate,
Young—23.

Those who voted in the negative were—

Messrs. Clarke,
Guthrie,
Johnston,

Morgan, D.
Murrell,
Payne,

Rice,
Walker, J. V.
Weller—9.

Mr. D. Morgan presented the petition of Charles Douglass and Rebecca, his wife, who is under 21 years of age, praying for the passage of a law authorizing them to sell and convey a tract of land devised to said Rebecca by her father, which was received and referred to the committee on the Judiciary.

Mr. Wingate was added to the committee of Enrollments.

A message was received from the House of Representatives announcing that they had passed bills of the following titles, viz:

1. An act to increase the resources of the Sinking Fund.
2. An act concerning the town of Russellville, and
3. An act further to regulate the ninth Judicial District, and for other purposes.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second reading of the first and second bills being dispensed with, the first was referred to the committee of Finance, and the second to the committee on the Judiciary.

The constitutional rule as to the second and third readings of the third bill being dispensed with, and the same being amended,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Payne from the committee to whom was referred the nomination of James R. Skiles to be a member of the Board of Internal Improvement, made a report, in writing, which was passed over.

A bill from the House of Representatives, entitled an act for the benefit of Elizabeth Fryer having been returned to the Senate, on the motion of Mr. Payne, the vote by which it was disagreed to, was reconsidered, and it was placed in the orders of the day.

Mr. Murrell from the joint committee on Public Offices, made the following report, viz:

[*For the report—see Appendix.*]

And then the Senate adjourned.

TUESDAY, FEBRUARY 18, 1840.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz :

An act for the benefit of the Sheriff of Fleming county.

An act for the benefit of Alexander Hutchison and Keziah Jones.

An act to alter the time of holding the Bourbon and Estill Circuit Courts, and for other purposes.

An act for the benefit of the heirs of William Milton, deceased.

An act for the benefit of the infant children of Harrison Hearn.

An act to establish a town on the land of Adam Miller, of Adair county.

An act to repeal the 6th section of an act to authorize permanent provision for resident females in Kentucky stocks, and guardians to invest the money of their wards in Bank stocks.

Also—1. An act requiring annual examinations of the several Clerks' offices in this Commonwealth to be made out and returned to the Auditor's office.

2. An act to amend an act, entitled, an act for the benefit of the Sheriff of Washington county, approved December 19, 1839.

3. An act to amend the execution laws of this Commonwealth, and for other purposes.

With amendments to the three last named bills—which amendments were concurred in, with amendments to the first.

And that they had passed bills of the following titles, viz:

1. An act to amend the charter of the Louisville and Elizabethtown Turnpike Road Company.

2. An act to incorporate the Trustees of the Republican Meeting House, in Grant county.

3. An act for the benefit of James F. Edwards.

4. An act for the benefit of the Anderson county Seminary.

5. An act to amend an act establishing the Paducah Lottery, and for other purposes.

6. An act to increase the powers of the Trustees of the town of Versailles, and to establish a Police Court in said town.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bills were referred: the 1st to the committee of Internal Improvement; the 2d to the committee of Religion; the 3d, 5th and 6th to the committee on the Judiciary, and the 4th to the committee on Education.

On the motion of Mr. Murrell, the vote discharging the committee of Internal Improvement from the duty of preparing and bringing in a bill to amend the charter of the turnpike road from Sanders', in Green county, to Bell's, in Barren county, was reconsidered.

The question being again taken on discharging the committee, it was decided in the negative.

A message was received from the House of Representatives, requesting leave to withdraw the report of the disagreement of that House to a bill from the Senate, entitled, an act authorizing the building of mills and dams upon Trammel's fork of Drake's creek—which leave was granted.

Mr. James presented the petition of sundry citizens of Hickman county, praying the passage of a law incorporating the town of Milburn, in said county, which was received and referred to the committee on the Judiciary.

Bills from the House of Representatives of the following titles, were reported from the committees to whom they were referred, without amendment, viz:

By Mr. Guthrie, from the committee on the Judiciary—An act regulating the jurisdiction of the Police Judge of the town of Frankfort.

An act concerning the town of Russellville.

An act in aid of the last will and testament of Henry Smith, deceased.

By Mr. Huston, from the committee of Privileges and Elections,—An act to change the place of voting in the Tarapin Precinct, in Graves county.

An act to change the place of voting from H. Ditto's to Bloomington, in Hardin county.

By Mr. Johnston, from the committee of Finance—An act for the benefit of William B. Keas.

An act for the benefit of Andrew Trumbo.

By Mr. Jesup, from the committee on Military Affairs—An act for the benefit of Leander W. Macey and others.

An act for the benefit of Stephen Ormsby.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills from the House of Representatives, were reported from the committees to whom they were referred, with the opinion that they ought not to pass, viz:

By Mr. Guthrie, from the committee on the Judiciary—An act for the benefit of the widow of John Hamilton, deceased.

By Mr. Johnston, from the committee of Finance—An act for the benefit of Obediah E. Wilhoite.

An act for the benefit of the Clerk of the Russell County Court.

The question being taken on reading the said bills a third time, it was decided in the negative, and so the said bills were disagreed to.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act allowing an additional Constable to the county of Spencer, and for other purposes, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, reported a bill for the benefit of Charles and Rebecca Douglass.

Mr. Wickliffe, having obtained leave, reported a bill to provide for the payment of the interest on the bonds of the Lexington and Ohio Railroad Company, on which the State is guarantor, and for other purposes.

Which bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Johnston, from the committee of Finance, reported a bill to protect the public credit and secure the public works, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was laid on the table.

Mr. Johnston, from the same committee, to whom was referred the petition of the Sheriff of Caldwell county, and his securities, praying for further time to pay the revenue for 1839, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

A message, in writing, was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

The said message was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT,
February 18, 1840. }

Gentlemen of the Senate,
and House of Representatives:

I have received from his Excellency, Patrick Noble, Governor of the State of South Carolina, a report and resolutions, adopted by the Legislature of that State, in relation to the controversy between the States of Georgia and Maine, and in compliance with a request contained in one of the resolutions, lay the same before you.

Respectfully,

C. A. WICKLIFFE.

EXECUTIVE DEPARTMENT,
Abbeville, South Carolina, Jan. 25, 1840. }

SIR :

I herewith transmit to your Excellency, the enclosed report and resolutions, adopted by the Legislature of South Carolina, in relation to the Georgia and Maine controversy, with a request that they be laid before the Legislature of your State.

I have the honor to be,
 With considerations of
 High respect, your ob't,
 PATRICK NOBLE.

To His Excellency,
 the Governor of the State of Kentucky.

STATE OF SOUTH CAROLINA.

IN THE HOUSE OF REPRESENTATIVES, }
Columbia, December 13, 1839. }

The Committee on Federal Relations, to whom was referred so much of the Governor's Message, as relates to the controversy between the States of Georgia and Maine, with the accompanying Documents have had the same under consideration, and beg leave to submit the following report:

In May, 1837, a slave, named Atticus, the property of James Sagurs and Henry Sagurs, citizens of the city of Savannah, in Chatham county, in the State of Georgia, was conveyed from that State to the State of Maine, by Daniel Philbrook and Edward Killeran, citizens of the latter State: the former of whom was the Master, and the latter the mate of the schooner Boston, which had recently entered the port of Savannah. On the 16th of June, of the same year, information on oath was made before a Magistrate of Chatham county, by James Sagurs, one of the owners of the slave, that Daniel Philbrook and Edward Killeran "did, on or about the fourth day of May last, feloniously inveigle, steal, take and carry away without the limits of the State of Georgia," the slave Atticus; "that the said Daniel Philbrook and Edward Killeran have been guilty as the deponent is informed and believes, of a felony under the laws of this State," and "that since the commission of said felony, the said Philbrook and Killeran have fled from this State, and are, as he believes, at this time, within the limits of the State of Maine, in the United States."

A warrant for the arrest of Philbrook and Killeran, was issued by the Magistrate before whom the information was made, on the same day, to which, the officer charged with its execution, returned that they were not to be found in the county of Chatham.

On the 21st of the same month, His Excellency, William Schley, Governor of the State of Georgia, made a demand upon His Excellency, Robert P. Dunlap, Governor of the State of Maine, of Philbrook and Killeran, as fugitives from the justice of Georgia, charged of feloniously inveigling, stealing, taking and carrying away, a slave, and transmitted with his demand, a copy of the affidavit and warrant, and the return, duly authenticated. On the 16th of August, of the same year, Governor Dunlap addressed to Governor Schley, a communication, in which he declined to cause the arrest of Philbrook and Killeran.

In December, 1837, the Legislature of Georgia, adopted resolutions, declaring the refusal of the Executive of Maine to surrender Philbrook and Killeran, dangerous to the rights of the people of Georgia, and directly and clearly in violation of the plain letter of the Constitution of the United States: that the State of Georgia became a party to the Federal Constitution no less for the better protection of her own, than the common rights and interests of all, and that when these ends are defeated, she is released from the obligations of that compact, and it has become her right and her duty, to provide protection for her people in her own way; that when an indictment should be found against Philbrook and Killeran, the Executive be requested to renew the demand for their arrest, and if the demand be again refused by the Executive of Maine, that a copy of its resolutions be transmitted to the Executive of each State in the Union, to be laid before their respective Legislatures; that a copy be transmitted to the President of the United States, and to the Senators and Representatives of Georgia, in Congress, to be submitted to that body; and if the Legislature of Maine, at its next Session, after those resolutions should have been forwarded by the Executive of that State, neglect to redress the grievance complained of, then, that the Executive of Georgia announce the same by proclamation, and call a Convention of the people, to take into consideration the state of the Commonwealth of Georgia, and to devise the course of her future policy, and to provide all necessary safeguards for the protection of the rights of her people.

On the 7th of February, 1838, an indictment, charging Philbrook and Killeran with larceny, in feloniously inveigling, stealing, taking and carrying away the slave Atticus, was found by the Grand Jury of Chatham county, and on the 27th of April, His Excellency, Governor Gilmer, the successor of Governor Schley, made upon Governor Kent, the successor of Governor Dunlap, the demand requested by the Legislature of Georgia, and accompanied that demand with the copy of the indictment found, and the proceedings on which it was founded, duly authenticated.

On the 25th of June, Governor Kent declined to order the arrest and surrender required by the authorities of Georgia.

On the 19th of August, 1839, Governor Gilmer addressed a communication to Governor Fairfield, the successor of Governor Kent, desiring to be informed of the action of the Legislature of Maine on the subject of the resolutions of the Legislature of Georgia, and received for answer, the proceedings of the Legislature of Maine, declaring it inexpedient to legislate on the subject, as it is exclusively within the province of the Executive Department.

The second clause of the second section of the fourth article of the Constitution of the United States, provides "that a person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime."

The act of Congress of 1793, declares, "that whenever the Executive authority of any State in the Union or of either of the Territories Northwest or South of the river Ohio, shall demand any person as a fugitive from justice, of the Executive authority of any such State or Territory to which such person shall have fled, and shall moreover produce the copy of an in-

dictment found, or an affidavit made before a Magistrate of any State or Territory as aforesaid, charging the person so demanded with having committed treason, felony, or other crime, certified as authentic by the Governor or Chief Magistrate of the State or Territory, from which the person so charged fled, it shall be the duty of the Executive authority of the State or Territory to which such person shall have fled, to cause him or her to be arrested and surrendered, and notice of the arrest to be given to the Executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear."

By the code of Georgia, "simply larceny is the *felonious* taking and carrying away the personal goods of another," and the same code provides, that "any person or persons who shall feloniously take and carry away a slave, shall be punished by imprisonment at hard labor in the Penitentiary, for any time not less than three years and not longer than seven years."

In reply to the demand of Governor Schley, His Excellency, Governor Dunlap, suggests that Philbrook and Killeran visited the city of Savannah, in the course of their business as Mariners, and returned to their domicile in Maine, by the customary route, and in the usual time; that they abided at their residence without concealment, and demeaned themselves as unsuspecting and innocent citizens, and insists that it may well be called a question whether such a course of conduct can be regarded as a fleeing from justice, and they as "fugitives," within the meaning of the Constitution.

As this point is rather suggested than made, your Committee will proceed to a brief examination of the grounds on which the refusal to surrender the fugitives, is supposed to be justified.

The first ground taken by Governor Dunlap, assumes, that the affidavit submitted to him, does not specify the fact of which the imputed felony is predicated, but merely suggests the commission of a felony, without enabling His Excellency to determine, whether it aimed at the subversion of the Government, or affected the life, liberty or property of individual citizens, and that there is no specification of time, place or the manner of its commission. The second ground is, that the commission of the larceny, is not positively charged, but that the larceny, is believed by the deponent to have been committed; and maintains that such an affidavit would not authorize a Magistrate to issue his warrant of arrest, or justify the detention of an individual for trial.

Your committee cannot well conceive that an affidavit so clear in its specification of the particular offence—even with the minuteness with which the statute of Georgia defines it—and so direct and positive in charging the alleged fugitives with its perpetration, could have been the subject of mistake or misconception. Its language is positive and explicit, that they "did feloniously inveigle, steal, take and carry away" the slave, and not that the deponent had been informed, or believed they had done so.

The legal propositions insisted on by His Excellency, the Governor, in the grounds on which his refusal is put, appear to your committee to be as untenable, as the assumption of fact in both, is gratuitous and palpable.

All who have the slightest knowledge of Criminal Law, cannot but be aware, that precision of statement, and particularity of averment, do not constitute requisites of any process or proceeding, that seeks merely the arrest, or detention of one suspected of crime, but that information on oath

that a crime has been actually committed, and that there is cause and probability of suspecting the party against whom the warrant is prayed is all that is usually, or can be legally required.

Whatever opinion may be entertained of the sufficiency of the affidavit, or of the nature of the objections raised by Governor Dunlap, his successor Governor Kent, admits, that the grounds of his predecessor's refusal are removed by the indictment found, a copy of which accompanied the second demand which was made by Governor Gilmer.

He admits that the copy of the indictment found, "for stealing a man alleged to be a slave," as he is pleased to designate the charge, is sufficient evidence that the alleged fugitives from the justice of Georgia are charged with a crime, but sees no evidence that they are fugitives from justice; and when their arrest is demanded as a right, claims for the Executive of Maine, the right to be satisfied of the existence of this fact, as one of the conditions of the demand. He suggests a doubt, whether an accusation or charge must not have been made before the flight, to authorize the demand, and feels but little doubt, that such was the chief intention of those who framed our Federal Constitution.

Is the demand a right? The right of a Foreign State or Kingdom, independent of treaty stipulations to require the surrender, on demand, of those who have committed crimes in another Country, is a proposition, of which many distinguished writers on public law, maintain the affirmative, and some with equal claims to consideration, the negative. But whatever may be the right amongst Foreign Nations, all concur that the impolicy of affording an asylum, and a refuge to fugitives from justice of other States, is undeniable. It is believed that most, if not all Foreign States, that have established commercial relations with others, have thought fit to provide for their security in this regard.

When it shall be remembered that our Federal Government, in its treaty with Great Britain in 1794, stipulated expressly for this right; that the Constitution of the United States was intended "to form a more perfect Union, establish justice, and ensure domestic tranquility," between contiguous States; and that that instrument imperatively declares the fugitive "shall, on demand, be delivered," your committee cannot perceive, the propriety with which the right can be questioned.

That the suggestion, whether an accusation or charge should not have been made, before the flight of the offender, to authorize the demand, and require the surrender, is destitute of all claim to even plausibility, your committee will not pause to demonstrate.

Can, then, the refusal to cause the arrest and surrender of Philbrook and Killeran, find justification in the insufficiency of the testimony, to establish the fact that they had fled from the justice of Georgia?

Your committee are of opinion that some evidence of his flight should accompany the demand of a fugitive from justice, so that it may appear, that the party demanded, has departed without having responded to the imputed crime, or endured its punishment in the State, whose laws are alleged to have been violated, but they can not entertain a doubt, that merely prima facie evidence of the fact, is all that in any case can be required, or in most cases could be produced. That the flight was with the motive or purpose to evade punishment, or to elude justice, is a fact that is susceptible of only presumptive proof, and rarely could be otherwise established, than by proof,

that a crime had been committed, and that its perpetrator had gone without the limits of the State, having jurisdiction of the offence. But the affidavit charges the flight of these individuals, directly and positively, and receives confirmation from the return of the officer, charged with the execution of the warrant, in the county of Chatham. The Constitution, and the Act of Congress, in providing for the arrest and removal of fugitives from justice, intends summary and ministerial proceedings, and does not contemplate judicial investigation for ascertainment of the fugitives' guilt. The evidence which shall accompany the demand, is prescribed by the Supreme Law. It is intended to show *prima facie*, that the party is guilty, that there is probable cause to believe him guilty, such as would upon a warrant, justify his commitment for trial.

If this be the purport and effect of the evidence, in the form prescribed, it appears to your committee that the right to demand the removal of a fugitive, is undeniable, and the duty to cause the arrest and surrender, imperative.

Your committee will not here, refrain from allusion to a fact which may afford some illustration of the course which the Executive and Legislative Departments of Maine, have seen fit to pursue, in respect to the demands which have been made, of the surrender of the alleged fugitives from the justice of Georgia. After the refusal of Governor Dunlap and after the action of the Legislature of Georgia on the subject, the Legislature of Maine enacted a Law, that when the surrender of a fugitive from justice shall be demanded of the Executive of that State, "and the Governor shall be satisfied, on investigation of the grounds of such demand, and that the same is made conformably to law, and ought to be complied with, he shall issue his warrant under the seal of the State authorizing the agent who should make such demand, either forthwith or at such time as shall be designated in the warrant, to take and transport such offender to the line of this State."

That this statute intends by the Executive Department of Maine, inquiry into the guilt of the fugitives, and a determination of the expediency of ordering his surrender whether he be innocent or guilty, although demanded conformably to law, its terms as well as its history, may well render probable. If this be its just interpretation, well may the Governor of Maine, call the right to demand a fugitive from justice, a question.

But if this construction be incorrect, and the right to make the demand unimpaired by the statute, it will be perceived, that the warrant of arrest must be executed by the *agent* of the State whose Chief Magistrate makes the demand, and that the Governor of Maine, may authorize the arrest either forthwith, or at such times, as may be designated in the warrant. The difficulties which such agent would at any time, experience, in making an arrest, in a Foreign Jurisdiction, especially with a warrant designating a remote day for its execution, added to the chances of escape which it holds out, would, in most cases, make it utterly impracticable. However incompatible with the Supreme Law, your Committee may deem this statute of Maine, illustrated as it is by the conduct of her Executive Department, they are constrained to regard it, as indicating the settled determination of that State, that no citizen of hers, shall ever answer in a Southern tribunal, for an offence against the right to certain property, to which her *POLICY AND PEOPLE*, are most cordially hostile.

The facilities which the Federal Constitution affords to citizens of the

United States, who are inimical to slavery, of abducting and inveigling slaves from their owners, and the temptation to embrace those facilities, which is suggested by such impunity, as the authorities of Maine have provided for her citizens presents a conjuncture, which the least timed, and the most prudent amongst us, may well deem full of peril to the rights of the South. When the safeguards of the Federal Constitution shall become ineffectual and illusory, then indeed, the period has arrived, when the States of the South must take care that their citizens sustain no detriment. Let us tell our brethren of the North mildly, but resolutely, that if they did introduce slaves amongst us against our remonstrance, they shall not remove them against our consent, and that whilst we tolerate no impairment of our title to our property, in the halls of the Federal Legislature, we will, also, permit no State to convert itself into a city of refuge, for those who invade it as felons.

Your Committee recommend the adoption of the following resolutions:

Resolved, That it is the duty, as well as the right, of any State, to insist on the faithful observance of the Federal Constitution, by each State in the Union.

Resolved, That to define crimes and felonies within its jurisdiction, is an incident to the sovereignty of each State, and that no other State can question the exercise of that right.

Resolved, That to demand the surrender and removal of fugitives from justice, is, by the Constitution, a right; and the arrest and surrender a duty: that the denial or impairment of this right, is inconsistent with the constitutional obligations of a State, and subversive of the peace and good government of the other States.

Resolved, That the right has been impaired, if not denied, by the authorities of Maine, and that this State will never consent, that any State shall become an asylum for those who are fugitives from the justice of other States.

Resolved, That this State will make common cause with any State of this Confederacy, in maintaining its just rights, under the guaranty of the Constitution of the United States; and should the obligations of this instrument be disregarded by those whose duty it may be, to enforce them, it will take counsel of its co-States of this Confederacy, having similar interests to protect and similar injuries to redress, in devising and adopting such measures, as will maintain, *at any hazard*, these rights, and that property, which the obligations of the compact of Union—cancelled as they then will be, as to us—have failed to enforce.

Resolved, That the Executive of this State, be requested to transmit to the Executive of the several States, to be laid before their respective Legislatures, to the President of the United States, and to our Senators and Representatives in Congress, a copy of the above report, and of these resolutions.

Resolved, That the House do agree to the report. Ordered, that it be sent to the Senate for concurrence.

By order

T. W. GLOVER, *Clerk H. R.*

IN SENATE, December, 20, 1839.

Resolved, That Senate do concur. Ordered, it be returned to the House of Representatives.

By order

WILLIAM E. MARTIN, *Clerk Senate.*

The said message was referred to a committee of Messrs. Wickliffe, Dixon and Pitts.

On the motion of Mr. Jesup, the committee on Military Affairs was discharged from the further consideration of the nomination of John M. Howe, to be Lieutenant Colonel of the 30th Regiment.

Mr. Hughes, from the joint committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the Surveyor of Lewis county.

An act for the benefit of John Keiser.

An act to change the name of the town of Chiltonville, in Henry county.

An act to amend the laws, now in force, prescribing the fees and commissions of the Marshal of the Louisville Chancery Court, and for other purposes.

An act for the benefit of Rachel Watts, and her children.

An act to amend the law in relation to ferries on Cumberland and Tennessee rivers, in Trigg county.

An act for the benefit of the Sheriff of Hopkins county.

An act for the benefit of Harriet and Alexander Howison.

An act to amend the law of descents and distribution.

An act to amend the law governing the action of replevin.

An act to establish the town of Providence, in Hopkins county.

An act regulating the appointment of the Commissioners of the revenue in this Commonwealth.

An act for the benefit of T. N. Burgess.

An act to amend an act, entitled, an act to establish a State road from Colemansville, in Harrison county, to Covington, in Campbell county.

An act to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

An act to authorize the Auditor to certify copies.

An act authorizing the purchase of fifty copies of Morehead and Brown's Digest, and the distribution thereof among such Justices of the Peace as have not received the same.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Hughes reported that the committee had performed that duty.

The Senate resumed the consideration of the nomination of James R. Skiles, to be a member of the Board of Internal Improvement. The report of the committee to whom it was referred, is as follows, viz:

The committee to whom was referred the nomination of James R. Skiles, as a member of the Board of Internal Improvement, would report:

That so far as they have been enabled to ascertain the facts, nothing of impropriety can attach to the said Skiles, in consequence of the location of the lock and dam No. 2, on Barren river. The size and dimensions of the lock, have not yet been determined upon, neither have they ascertained any impropriety of conduct in locating the lock and dam on Muddy river, or in producing a determination in relation to the size and dimensions of said lock.

The selecting sites for the public works, and determining their size and dimensions, appears to be peculiarly the province of the Chief Engineer, and has ever been so regarded.

The communication of W. L. Underwood to James G. Pitts, Esq., the Senator from Butler, which has been referred to us, although coming from a gentleman of high respectability, cannot be regarded, by the committee, as evidence against the said Skiles of the facts therein alledged—because the said communication has not been verified by affidavit. The want of notice that such charges were to be made, and for the still stronger reason, that the more weighty allegations are made, in said communication, upon information received by him from others, not verified by oath.

The committee herewith report the said communication and the two accompanying petitions, together with the responses of two of the members of the Board of Internal Improvement and the Chief Engineer.

The question being taken on advising and consenting to the said appointment, it was decided in the negative, and so the Senate do not advise and consent to the appointment of James R. Skiles, as a member of the Board of Internal Improvement.

The yeas and nays being required thereon by Messrs. Pitts and Ford, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hughes,	Rice,
Messrs. Clarke,	Jesup,	Slaughter,
Davidson,	Johnston,	Wallace,
Dixon,	Morgan, D.	Walker, C. J.
Ford,	Morgan, J. S.	Walker, J. V.—16.
Guthrie,		

Those who voted in the negative were—

Messrs. Anderson,	James,	Weller,
Ballinger,	Jasper,	Wickliffe,
Barlow,	Murrell,	Williams,
Bradshaw,	Payne,	Wingate,
Burnett,	Pitts,	Young—17.
Huston,	Pratt,	

The Senate resumed the consideration of a bill to provide for the payment of public contractors, and to preserve the faith of the State. The said bill is as follows, viz:

WHEREAS, this Commonwealth is indebted to the Bank of Kentucky, to the Northern Bank of Kentucky, and Bank of Louisville, the aggregate sum of \$445,000, for temporary loans made by them, to enable the Board of Internal Improvement to preserve the faith of the State, by paying contractors for work and labor done: and, whereas, this Commonwealth is now indebted to public contractors the further sum of \$450,000 for work and labor already done: and, whereas, this Commonwealth will be indebted during the present year, to public contractors, the further sum of \$500,000 for work and labor which they have unconditionally contracted to do, and for which this Legislature cannot neglect to provide the means of payment without a violation of the faith of the State—for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Governor of this Commonwealth be, and he is hereby, authorized to issue the bonds or scrip of this State to the amount of \$1,000,000, redeemable at any time after six years, bearing an interest not exceeding six per cent. per annum, payable semi-annually at the public Treasury; and to sell the same in amounts not less than \$100, and at a rate not less than par value *in Kentucky currency.*

SEC. 2. *Be it further enacted,* That it shall be the duty of the Governor of this Commonwealth to apprise the Commissioners of the Sinking Fund of the amount of bonds or scrip so sold by him, the time when sold, and the rate of interest; and it shall be the duty of the Commissioners of the Sinking Fund, from time to time, to deposit with the Treasurer a sum sufficient to pay the interest on the same as it may fall due, and to give information to the Governor of the resources of the Sinking Fund.

SEC. 3. *Be it further enacted,* That the Governor be, and he is hereby, authorized, if in his opinion the interest of the Commonwealth will be promoted thereby, to sell the bonds or scrip of the State to the amount of \$1,500,000, redeemable at any time after thirty years, at rate of interest not exceeding six per cent. per annum, payable at any place in the United States half yearly, upon any terms not less than par value *in Kentucky currency.*

SEC. 4. *Be it further enacted,* That it shall not be lawful for the Governor to sell the bonds or scrip of the State beyond the sum of \$1,500,000, but as to the amount which may be sold of the six year bonds and the thirty year bonds, the Governor is left to the exercise of his own discretion.

SEC. 5. *Be it further enacted,* That if any of the public contractors of this Commonwealth shall be willing to accept, as payment or part payment of their dues from this Commonwealth, any of the bonds or scrip of the State, authorized to be issued by this act, it shall be the duty of the Governor to issue the same and place it in the Treasury; and upon the requisition of the Board of Internal Improvement, and warrant of the Auditor in favor of such contractor, it shall be the duty of the Treasurer to pay the same, which shall be received by said contractor, and charged to said Board as so much money.

SEC. 6. *Be it further enacted,* That it shall not be lawful for the Governor to sell any amount of the bonds or scrip of this State, authorized to be sold by this act, beyond the resources of the Sinking Fund to pay the interest on the same.

Mr. James moved to amend the said bill, in the first and third sections, by striking out the words, "in Kentucky currency," printed in italics.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. James and Jasper, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Barlow,	James,	Jesup,
Burnett,	Jasper,	Weller—7.
Hughes,		

Those who voted in the negative were—

Mr. Speaker,	Guthrie,	Wallace,
Messrs. Anderson,	Huston,	Walker, C. J.
Ballinger,	Johnston,	Walker, J. V.
Bradshaw,	Morgan, D.	Wickliffe,
Clarke,	Morgan, J. S.	Williams,
Davidson,	Murrell,	Wingate,
De Courcy,	Payne,	Young—23.
Ford,	Pratt,	

Mr. Bradshaw moved to amend the said bill by adding thereto the following, viz :

SEC. 7. *Be it further enacted*, That the sum of seven thousand dollars be, and the same is hereby, appropriated for the purpose of finishing the road from Columbia to the Tennessee line, which sum is to be appropriated in the following manner, to-wit: three thousand dollars to be used and expended in repairs on said road from Columbia to the Cumberland river, and the remaining four thousand dollars to be used and expended between the Cumberland river and the State line.

SEC. 8. *And be it further enacted*, That it shall be the duty of the Governor, within thirty days from and after the passage of this act, to issue bonds or scrip on the State for that sum, and deposit the same in the Treasurer's office for the use and purposes aforesaid; which bonds shall be made payable in two years from the date thereof, and bear interest from their date after the rate of six per cent. per annum, and no bond shall be for a greater amount than five hundred dollars, nor less than one hundred dollars.

SEC. 9. *Be it further enacted*, That Adam Miller and James Duncan be, and they are hereby, appointed commissioners on that part of said road from Columbia to the Cumberland river, and Smith Turner and John Grider on that part of said road from Cumberland river to the State line, whose duty it shall be to lay said money out on said road in the most advantageous way.

SEC. 10. *Be it further enacted*, That the aforesaid commissioners shall enter into bond with good and sufficient security in the County Court of Russell; the first in the penalty of six thousand dollars; and the latter in the penalty of eight thousand dollars; which bonds shall be made payable to the Commonwealth of Kentucky, and conditioned for a faithful discharge of the duties enjoined on them as commissioners aforesaid; which bonds may be put in suit, from time to time, for a breach of its condition, and recoveries may be had thereon until the whole penalties are recovered.

SEC. 11. *Be it further enacted*, That upon the aforesaid commissioners producing a certificate from the Clerk of the Russell County Court to the Auditor, certifying that they have executed bonds agreeable to the requisitions of this act, he shall issue a warrant on the Treasurer for the aforesaid bonds.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Bradshaw and Jasper, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Bradshaw,	Jasper,	Weller—4.
James,		

Those who voted in the negative were—

Mr. Speaker,	Ford,	Pitts,
Messrs. Anderson,	Hughes,	Wallace,
Ballinger,	Huston,	Walker, C. J.
Barlow,	Johnston,	Walker, J. V.
Burnett,	Morgan, D.	Wickliffe,
Clarke,	Morgan, J. S.	Williams,
Davidson,	Murrell,	Wingate,
De Courcy,	Payne,	Young—24.

Mr. Jasper moved to amend the said bill by adding thereto the following section, viz:

Be it further enacted, That the Board of Internal Improvement is hereby directed and required to expend \$3,000 to finish and complete the works at Smith's Shoals, upon the Cumberland river, in the present year, agreeable to an act of Assembly, approved the 16th day of February, 1838, providing for the internal improvement of the State, and providing for the improvement of the downward navigation of said river; and they are hereby directed to pay that sum for the same, out of the money herein authorized to be raised for the prosecution of the system of Internal Improvement.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Jasper and Barlow, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	James,	Walker, J. V.
Bradshaw,	Jasper,	Weller,
Burnett,	Jesup,	Williams—11.
Hughes,	Pitts,	

Those who voted in the negative were—

Mr. Speaker,
Messrs. Anderson,
Ballinger,
Clarke,
Davidson,
De Courcy,
Guthrie,

Huston,
Johnston,
Morgan, D.
Morgan, J. S.
Murrell,
Payne,
Rice,

Slaughter,
Tomlinson,
Wallace,
Walker, C. J.
Wickliffe,
Wingate,
Young—21.

Mr. Weller moved to amend the said bill by adding thereto the following section, viz:

Be it further enacted, That out of the moneys hereby authorized to be raised for the purposes of Internal Improvement, there shall be, and is hereby appropriated, the sum of thirty thousand dollars, for the purpose of carrying on, during the present year, the Logan, Todd and Christian turnpike road; and, also, the sum of five thousand dollars, to clear out the obstructions in the Cumberland river, in Caldwell county, at the Little and Big Horse fords, in said county—the same to be under the control of the Board of Internal Improvement.

Mr. Ballinger moved the previous question. The question being taken “shall the main question be now put?” it was decided in the negative.

The yeas and nays being required thereon by Messrs. Jasper and Wickliffe, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Ballinger,
Clarke,
Davidson,
Dixon,

Guthrie,
Huston,
Morgan, J. S.
Murrell,
Payne,

Slaughter,
Wallace,
Walker, C. J.
Wickliffe,
Wingate—15.

Those who voted in the negative were—

Messrs. Anderson,
Barlow,
Bradshaw,
Burnett,
De Courcy,
Hughes,

James,
Jasper,
Jesup,
Johnston,
Morgan, D.
Pitts,

Rice,
Tomlinson,
Walker, J. V.
Weller,
Williams,
Young—18.

On the motion of Mr. Young, the last vote was reconsidered.

The question being again taken, “shall the main question be now put?” it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Clarke and James, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Guthrie,	Slaughter,
Messrs. Anderson,	Huston,	Wallace,
Ballinger,	Morgan, D.	Walker, C. J.
Bradshaw,	Morgan, J. S.	Wickliffe,
Clarke,	Murrell,	Wingate,
Davidson,	Payne,	Young—20.
De Courcy,	Pitts,	

Those who voted in the negative were—

Messrs. Barlow,	Jasper,	Tomlinson,
Burnett,	Jesup,	Walker, J. V.
Dixon,	Johnston,	Weller,
Hughes,	Rice,	Williams—13.
James,		

The question was then taken on engrossing and reading the said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ballinger and James, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Huston,	Pitts,
Messrs. Ballinger,	Johnston,	Slaughter,
Clarke,	Morgan, D.	Wallace,
Davidson,	Morgan, J. S.	Walker, C. J.
De Courcy,	Murrell,	Wickliffe,
Guthrie,	Payne,	Wingate—19.
Hughes,		

Those who voted in the negative were—

Messrs. Anderson,	James,	Walker, J. V.
Barlow,	Jasper,	Weller,
Bradshaw,	Jesup,	Williams,
Burnett,	Rice,	Young—14.
Dixon,	Tomlinson,	

The constitutional rule as to the third reading being dispensed with,

The question was taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. James and Wallace, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Huston,	Pitts,
Messrs. Ballinger,	Johnston,	Slaughter,
Clarke,	Morgan, D.	Wallace,
Davidson,	Morgan, J. S.	Walker, C. J.
De Courcy,	Murrell,	Wickliffe,
Guthrie,	Payne,	Wingate—19.
Hughes,		

Those who voted in the negative were—

Messrs. Anderson,
Barlow,
Bradshaw,
Burnett,
Dixon,

James,
Jasper,
Jesup,
Rice,
Tomlinson,

Walker, J. V.
Weller,
Williams,
Young—14.

Resolved, That the title of the said bill be as aforesaid.

Mr. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act to increase the resources of the Sinking Fund, reported the same without amendment. The said bill was amended to read as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of March next, no license shall be granted to any person to keep a tavern, at any place within this Commonwealth, until such person shall pay in advance, in addition to the sum now charged by law for tavern license, two per cent. upon the estimated yearly rent of the said tavern house and appurtenances necessary thereto: *Provided*, That the farming lands attached to said tavern shall not be taken into said estimate of yearly rent; and for the purpose of ascertaining, as near as may be, the yearly rent, the County Court is hereby authorized to hear proof, upon oath, and to fix upon such yearly rent as is fair and just, which rent they shall order to be entered on their minute book, and the Clerk, in issuing license, shall receive pay accordingly; which sum shall be accounted for and paid into the public Treasury, by the Clerks receiving the same, for the use of the Sinking Fund, at the same time, and under the like regulations, now prescribed for the payment of the revenue collected by Clerks.

SEC. 2. *Be it further enacted*, That from and after the first day of March next, no license granted by any city or incorporated town in this Commonwealth, to any person to retail spiritous liquors in coffee houses, tippling houses, or in any other house or place, shall authorize such person so to retail, unless such person shall, in addition to said license, pay, in advance, to the Clerk of the County Court, the sum of fifty dollars, upon the payment of which, the said Clerk is hereby required to issue to such person a license for the term of one year; which money shall be accounted for and paid into the public Treasury by the Clerk receiving the same, for the use of the Sinking Fund, at the same time, and under like regulations, prescribed for the payment of other revenue collected by Clerks.

SEC. 3. *Be it further enacted*, That from and after the first day of March next, it shall not be lawful for any merchant in this Commonwealth to retail less than one gallon of spiritous liquor, unless he shall pay, in advance, to the Clerk of the County Court, the sum of ten dollars; upon the payment of which the Clerk is hereby required to issue a license to him for that purpose for one year, in which it shall be stated, that the liquor authorized to be sold shall not be drank in the house of the said merchant; and should any merchant presume to sell liquor, to be drunk in his house, he shall be subject to all the pains and penalties now inflicted by law against those who keep tippling houses without license; which money, thus receiv-

ed by the Clerk, shall be accounted for and paid into the public Treasury, for the use of the Sinking Fund, as prescribed in the foregoing sections of this act: *Provided*, That this section shall not be construed to authorize the retail of spirituous liquors contrary to the ordinances of any incorporated town or city in this Commonwealth.

SEC. 4. *Be it further enacted*, That from and after the first day of March next, it shall not be lawful for any person to act as agent for any foreign insurance office, unless he shall pay, in advance, to the Clerk of the County Court, the sum of twenty dollars; upon the payment of which, the said Clerk is hereby required to issue a license to such agent for the term of one year; and should any person presume to act as agent, as aforesaid, without first obtaining such license, he shall pay the sum of one hundred dollars for each violation of this act, to be recovered by indictment in any Circuit Court of this Commonwealth having jurisdiction of the same; which money, thus received by the Clerk, shall be accounted for and paid into the public Treasury, for the use of the Sinking Fund, as prescribed in the foregoing sections of this act; and in addition, it shall be the duty of the several Commissioners of the revenue of this Commonwealth, when listing property for taxation, to require the agent or agents of all insurance offices, not incorporated by the laws of this Commonwealth, to list the amount received by them for premiums on insurance the preceding year, upon which sum a tax of four per cent. shall be paid, and collected in like manner as other revenue tax.

SEC. 5. *Be it further enacted*, That it shall not be lawful for any individual or individuals to follow the business of broker, before first going before the Clerk of the County Court of the County in which he, she, or they, shall propose to establish themselves, as above, and disclose, on oath, the amount of capital intended to be employed by any such individual, as above; and all who may intend, or shall employ a capital of \$5,000, or less, shall pay over to such Clerk the sum of \$100; and all whose capital shall be more than \$5,000, and less than \$10,000, shall pay, as above, the sum of \$150; and all whose capital shall be more than \$10,000, and less than \$15,000, shall pay, as above, \$200; and all whose capital shall be more than \$15,000, and less than \$20,000, shall pay, as above, the sum of \$250; and all whose capital shall exceed \$20,000, and less than \$50,000, shall pay the sum of \$400; and all whose capital shall exceed \$50,000, shall pay \$500; and on any individual or individuals complying with the requisitions of this act, the said Clerk shall issue him a license to deal in brokerage and exchange for one year therefrom; and all such brokers shall be required to renew their license annually, and pay over the above sum before any renewal of his license shall be granted; and any individual or individuals who shall presume to act in contravention of this section, he, she, or they, shall be subject to a fine of \$1,000, recoverable before any court of competent jurisdiction, one half to the Commonwealth and the other to the prosecutor.

SEC. 6. *Be it further enacted*, That from and after the first day of March next, it shall not be lawful for any ferry keeper, or owner, in this Commonwealth to charge any toll for ferrying, unless he shall first obtain from the County Court an annual license to do so; and before said license is issued, he shall pay, in advance, to the Clerk of the court two per cent. upon the estimated rent of said ferry, over and above the sum of one hundred dollars, to be ascertained and fixed by the County Court, as prescribed in the first

section of this act in relation to taverns; which sum of money shall be paid by the Clerk into the public Treasury, for the use of the Sinking Fund, as prescribed in the foregoing sections of this act; and should any ferry keeper charge toll, without having first obtained license as aforesaid, he shall forfeit and pay the sum of one hundred dollars, to be recovered by indictment in any Circuit Court having jurisdiction of the offence.

SEC. 7. *Be it further enacted*, That each and every person in this Commonwealth, who shall sell a pack of playing cards, shall pay a tax thereon of fifty cents; and it shall be the duty of each and every assessor of tax in this Commonwealth, when he takes in his list of taxable property, to enquire, upon oath, of each merchant, tavern keeper, grocery keeper, and all others who he may have reason to suspect of selling cards, as to the number of packs he has sold, and to set the same down opposite the name of such person, and to carry out the amount of tax from this source in a separate column; which money, when paid into the Treasury, shall be credited to the Sinking Fund.

SEC. 8. *Be it further enacted*, That hereafter all estates, real, personal, or mixed, which descend to collateral heirs, or to which collateral heirs shall be entitled to the distribution of, and all estates, real, personal, or mixed, which shall be devised to collateral heirs, or to others who would not have taken the same by descent or distribution, under existing laws, shall be subject to a tax of two per cent.; and where the devise is to charitable uses, a tax of five per cent. on the value thereof, which shall be for the benefit of the Sinking Fund; and it shall be the duty of the County Courts in this Commonwealth to appoint and keep in office an assessor of such estates, and it shall be the duty of such assessors, from time to time, to assess all such estates, and return the same to the County Court of his county; and it shall be the duty of the Clerk to list the same with the collector of the public revenue for the county for collection, and it shall be his duty to collect and account for the same as other public revenue in his hands for the benefit of the Sinking Fund; and it shall be the duty of the executor, administrator, or curator, to pay the tax on that part of the estate in his hands before making the distribution or paying the legacies; and every person failing or refusing to pay the same shall be liable to the Commonwealth for the use of said fund in action in the Circuit Court for double damages.

SEC. 9. *Be it further enacted*, That all excess in the Treasury of the common revenues of the State, after paying specific appropriations made by law, and the ordinary expenses of the Government, shall be placed with the other funds set apart as a Sinking Fund; and from and after the passage of this act, the Sinking Fund shall be applied entirely to the payment of the interest, semi-annually, accruing upon the bonds sold for Internal Improvement purposes, and the surplus remaining, after paying the current interest upon all such bonds, shall be applied by the Commissioners of the Sinking Fund, either in the investment thereof, in safe, profitable and available stocks, or in redeeming the debts now owing by the Commonwealth of Kentucky to the contractors on public works.

SEC. 10. *Be it further enacted*, That the Commissioners of the Sinking Fund shall pay no claim which may be presented for payment without certain evidence of its justice and legality, and they shall preserve the evidence of the claims paid, and the receipts for payments made by them.

SEC. 11. *Be it further enacted*, That, from and after the passage of this

act, the Board of Internal Improvement shall dispense with all the Engineers and other persons in their employ upon all works which they have not the immediate means to prosecute; and the Board of Internal Improvement shall not hereafter be permitted to borrow any money from the Banks of this State, during the present year, exceeding an amount absolutely necessary to preserve the works upon slackwater navigation; and to preserve those works from damage, the Board of Internal Improvement shall have the power to employ persons competent to watch over the works aforesaid.

SEC. 12. *Be it further enacted*, That upon the question of dispensing with Engineers and other persons in the employ of the Board, or of subscribing for stock in any public work, or upon the question of paying money where the laws submit the expediency or utility of it to their discretion, they shall determine all such questions by resolution, and shall decide it by recording on their journals the resolution, with the name of the members voting for or against it, and report the same to the Legislature: *Provided*, That the provisions of the third section of this act, shall not be so construed as to authorize merchants, after they do obtain license, to sell a less quantity than one quart of any spirituous liquor.

The question being taken on reading the said bill a third time, as amended, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Guthrie and Ballinger, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Ballinger,
Barlow,
Clarke,

Davidson,
Hughes,
Johnston,
Morgan, D.

Morgan, J. S.
Murrell,
Wickliffe—11.

Those who voted in the negative were—

Messrs. Anderson,
Bradshaw,
Burnett,
Guthrie,
Huston,
James,
Jasper,

Jesup,
Payne,
Pitts,
Rice,
Slaughter,
Tomlinson,
Wallace,

Walker, C. J.
Walker, J. V.,
Weller,
Williams,
Wingate,
Young—20.

A message, received from the Lieutenant and Acting Governor on the 10th instant, transmitting communications from the Governors of Vermont and New Jersey, was taken up and referred to a committee of Messrs. Wickliffe, Dixon and Pitts.

A message, received from the Lieutenant and Acting Governor on yesterday, was taken up and read as follows, viz:

EXECUTIVE OFFICE,

February 17, 1840. }

Gentlemen of the Senate:

Allow me to withdraw the nomination, made on the 14th instant, of John M. Howe, to be Lieutenant Colonel of the 30th Regiment, and to nominate, in his stead, for your advice and consent, David Patton to be Lieutenant Colonel of the 30th Regiment, in place of Samuel Mars, promoted; and, also, John N. Proctor to be Major of the 30th Regiment, in place of John M. Howe, resigned.

Martin Squires to be Colonel of the 93d Regiment, in place of Henry Moore, resigned.

Robert Walkup to be Lieutenant Colonel of the 93d Regiment, in place of Martin Squirers, if promoted.

William Henry Johnston to be Major of the 93d Regiment, in place of Robert Walkup, if promoted.

Respectfully,

C. A. WICKLIFFE.

Resolved, That leave be given to withdraw the said nomination, and that the Senate advise and consent to the appointment of the several persons as nominated in the said message.

A message from the Lieutenant and Acting Governor, received on yesterday, was taken up and read as follows, viz:

EXECUTIVE OFFICE,

February 17, 1840.

Gentlemen of the Senate:

I nominate for your advice and consent, Jacob Swigert, Thomas S. Theobald, Albert G. Hodges, Churchill Samuel, and Harrison Blanton, to be the securities of James Davidson, in his official bond as Treasurer of this Commonwealth.

Respectfully,

C. A. WICKLIFFE.

Resolved, That the Senate advise and consent to the said securities.

A bill from the House of Representatives, entitled, an act for the benefit of Charles Faulkner of the county of Trigg, was read the third time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Charles Faulkner be, and he is hereby authorized and permitted to introduce into this State, for his own use, a certain negro boy, called Sandy, purchased by said Faulkner in the State of Mississippi, without incurring any penalty whatever on account thereof, any law or laws to the contrary notwithstanding.

The question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Ballinger and Weller, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	James,	Walker, J. V.
Barlow,	Jasper,	Weller,
Burnett,	Jesup,	Williams,
De Courcy,	Pitts,	Young—14.
Dixon,	Wallace,	

Those who voted in the negative were—

Mr. Speaker,	Hughes,	Rice,
Messrs. Ballinger,	Huston,	Slaughter,
Bradshaw,	Johnston,	Walker, C. J.
Clarke,	Morgan, D.	Wickliffe,
Davidson,	Morgan, J. S.	Wingate—17.
Guthrie,	Payne,	

A bill from the House of Representatives, entitled, an act for the benefit of Elizabeth Fryer, was ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Burnett offered a preamble and resolutions, touching the proceedings of sundry individuals in reference to petitions for the abolition of slavery in the United States, and territories of the United States, and concerning the presentation of such petitions to the Congress of the United States, and containing a call on Martin Van Buren and William H. Harrison and others, as candidates for the offices of President and Vice President of the United States, to respond to the matter of said preamble and resolutions.

Mr. Wickliffe demanded the question of consideration, and the question being taken, "will the Senate now consider it?" it was decided in the negative.

The yeas and nays being required thereon by Messrs. Burnett and Rice, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Anderson,	James,	Wallace,
Barlow,	Jasper,	Williams,
Burnett,	Pratt,	Wingate,
Guthrie,	Rice,	Young—14.
Hughes,	Tomlinson,	

Those who voted in the negative were—

Mr. Speaker,	Jesup,	Pitts,
Messrs. Ballinger,	Johnston,	Slaughter,
Bradshaw,	Morgan, D.	Walker, C. J.
Clarke,	Morgan, J. S.	Walker, J. V.
Davidson,	Murrell,	Weller,
Dixon,	Payne,	Wickliffe—19.
Huston,		

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 19, 1840.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate to the second amendment proposed by that House, to a bill from the Senate, entitled, an act requiring annual examinations of the several Clerks' offices in this Commonwealth to be made out and returned to the Auditor's office.

That they recede from their 2d, 3d and 4th amendments to a bill from the Senate, entitled, an act to fix the ratio and apportion the representation for the next four years.

That they had passed bills which originated in the Senate, of the following titles, viz:

An act for the benefit of the Trustees of the town of Poplar Plains, in Fleming county.

An act for the benefit of the widow and infant heir of John Gilbert, deceased.

An act to amend an act, entitled, an act for the benefit of the widow and heirs of Francis Hagan, deceased.

An act to incorporate the Jefferson Literary Society of Augusta College. And that they had passed bills of the following titles, viz:

1. An act to authorize a change of venue in the trial of W. A. Wharton, and others.

2. An act to authorize Richard Y. Shipp and Mary G. Shipp to convey two small tracts of land, and for other purposes.

3. An act for the benefit of Polly Skillman.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st and 2d to the committee on the Judiciary, and the 3d to the committee on Religion.

After a short time Mr. Wingate reported the last named bill with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Guthrie, from the committee on the Judiciary, reported the second bill with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the nomination of Robert A. Patterson, to be Commonwealth's Attorney for the 16th Judicial District, made the following report thereon, viz:

The committee on the Judiciary have had under consideration the nomination of Robert A. Patterson, to be Attorney for the Commonwealth in the 16th Judicial District. They find, on enquiry, that Robert A. Patterson has been the Commonwealth's Attorney for said district since some time in 1831, and that he is qualified for the office. They find, from the records of the Auditor's office, as per paper A, that said Patterson has failed to attend the courts as stated in said paper, and that compensation has been paid to others, under existing laws, for discharging the duties in his absence; and from the letter of the Clerk of the Graves Circuit Court, he failed as stated in said letter; and that he failed as in the paper C. The committee had not time to give the said Patterson notice, and have not investigated the cause of the several failures. They have not heard any proof, except as above; and submit the nomination to the Senate.

The said nomination was recommitted to a committee of Messrs. Murrell, Ballinger and Weller.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to increase the powers of the Trustees of the town of Versailles, and to establish a Police Court in said town.

An act for the benefit of James F. Edmonds.

Reported the same with amendments to each—which were concurred in.

Ordered, That the said bills be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act regulating the Wayne, Russell and Casey Circuit Courts, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Clarke, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Anderson county Seminary, reported the same without amendment.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Clarke and Guthrie, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Barlow,
Burnett,
Clarke,

Davidson,
Ford,
Huston,
James,

Jasper,
Murrell,
Wingate—11.

Those who voted in the negative were—

Messrs. Ballinger,
Bradshaw,
Hughes,
Johnston,
Payne,

Pitts,
Pratt,
Rice,
Wallace,
Walker, C. J

Walker, J. V.
Weller,
Wickliffe,
Williams,
Young—15.

On the motion of Mr. Ballinger, the last vote was reconsidered.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

A message, in writing, was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

EXECUTIVE OFFICE, }
February 19, 1840. }

Gentlemen of the Senate:

I nominate for your advice and consent Thompson M. Ewing to be a member of the Board of Internal Improvement, in the place of James R. Skiles, rejected.

Respectfully,
C. A. WICKLIFFE.

Resolved, That the Senate advise and consent to the said appointment.

A message was received from the House of Representatives, requesting leave to withdraw the report of the passage, by that House, of a bill from the Senate, entitled, an act to extend the charter of the Bank of the Commonwealth of Kentucky, and to authorize the appointment of a commissioner to close the affairs of the said Bank.

Leave was given and the bill withdrawn.

On the motion of Mr. Burnett, the preamble and resolutions in relation to abolition, offered by him on yesterday, were withdrawn.

On the motion of Mr. Johnston, a message was sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the benefit of Obediah E. Wilhoite.

The said bill was returned to the Senate, and on the motion of Mr. Johnston, the vote by which it was disagreed to was reconsidered.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wickliffe, from the committee to whom was referred the message of the Lieutenant and Acting Governor, transmitting communications from the Governors of Vermont and New Jersey, made the following report thereon, viz :

Your committee, to whom was referred the message of his Excellency, the Governor, covering certain resolutions passed by the Legislatures of Vermont and New Jersey, have had the same under consideration, and beg leave to report :

That this Senate has repeatedly passed resolutions of the same import as those transmitted by the Governor from the State of Vermont; and that during the present session of the Legislature, a preamble and resolutions have passed both branches of the Legislature, in accordance with those of the Legislature of Vermont, protesting against the projected cession of the public lands to the States within which they lie, or applying them to any use or purpose whatever, but for the common benefit of all the States. As these resolutions of the Legislature of Kentucky have been forwarded by his Excellency to the President of the United States, and to our Senators and Representatives in Congress, as well as to the Executives of the several States, they deem any further action of the Legislature, relative to the unjust and iniquitous proposal to cede away the lands of all the States to particular States, unnecessary. But your committee are deeply impressed with the duty which this Legislature owes to the people whom they represent, and to the Union, to join with the State of New Jersey in entering her solemn protest against the usurpations of a majority of the Representatives in the Congress of the United States over the rights of suffrage of the people of the States, and the sovereignty of the States themselves. The unwarrantable and unconstitutional tyranny of the House of Representatives of Congress, in excluding from their seats five of the Representatives of a sovereign State, duly elected and commissioned under the great seal of the State, as the elected delegates from that State, in the opinion of your committee, demands the serious attention of all the States, and of no State more than that of Kentucky. Kentucky can never be a silent spectator of one of these United States driven from the halls of Congress, and thereby deprived of her weight in the councils of the nation. But in the act of tyranny of which New Jersey complains, she is admonished, from her own case, that it belongs to her sovereignty to vindicate the sovereignty of New Jersey. Kentucky was the first victim to the high-handed tyranny which defrauds sovereign States of their fair portion of representation in Congress. She can never forget that the same proscriptive and high-handed policy, which now deprives a sovereign State of her representation, drove from the councils of the nation a Representative from Kentucky—because a creature of that policy had withheld the poll books of the county of Lincoln; nor can

the people of Kentucky ever overlook the fact, that the man who thus abstracted the said poll books, has been rewarded by an appointment to an office of trust and profit by the present administration; nor ought the States, not yet deprived of their representation in Congress, to forget that another State of the Union, the State of Mississippi, has had her Representatives banished from Congress, and the State thereby deprived of its just weight in the Union.

If the majority of Congress can refuse or reject the evidence which members bear from their respective States, and at pleasure oust a State of its weight in the confederacy, then is the Union destroyed and the confederacy dissolved. By the fourth section of the first article of the Constitution, it is provided that the times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof. By the laws of New Jersey, the time, place and manner of holding elections, and the qualifications of voters, are prescribed and fixed, as is the manner of determining and certifying who are elected members of Congress. The elections of New Jersey, of members for that State in the 26th Congress of the United States, was held in strict accordance with the laws of New Jersey, and the five excluded members found to be duly elected; of which fact the Executive of the State, in pursuance to the law of the State, delivered to the members elected his warrant, under the seal of the State. In this mode of authentication, it is asserted the State has ever had her members accredited; and yet when these Representatives presented themselves with their credentials, with the other members of Congress, to organize the House of Representatives, a majority of Representatives, (*differing in politics with the members thus elected from New Jersey*), refused to allow them to participate in the organization of the House, under pretence that other individuals, not recognized by the constituted authorities of the State of New Jersey, but of the political party of the said majority, claimed also to be representatives of New Jersey; and after organizing the House, by force of numbers, have refused the members elected their seats in the House so organized. In the conduct of the majority, in thus excluding the representatives of a sovereign State, your committee can but discern a display of reckless power, trampling upon the rights of the States and the people of the States, threatening to the Union and destructive of the liberty and free suffrage of the whole people of the States, and submit to the consideration of the Senate the following resolutions, to-wit:

Resolved by the Legislature of the State of Kentucky, That they fully concur with the Legislature of New Jersey, in the preamble and resolutions, submitted by his Excellency the Governor, and the protest therein made against the high-handed and arbitrary procedure of the majority of the House of Representatives of the Congress of the United States, in excluding from a participation in the organization of the said House, and from their seats, the members, certified to be such, from the State of New Jersey.

And be it further resolved, That our Representatives in Congress assembled be, and they are hereby, requested to use all just and lawful means to restore the State of New Jersey to her fair and just proportion of representation; and at all times to manifest the deep interest which the State of Kentucky feel, and must ever feel, for a sister State, deprived of her fair and just weight in the councils of the nation.

Resolved, That his Excellency, the Governor, transmit a copy of this report and resolutions to each of our Senators and members in Congress, and to the President, and each of the Executives of the several States.

Mr. Clarke, having obtained leave, reported a bill for the benefit of the widow of John Hamilton.

Mr. Wingate, having obtained leave, reported a bill for the benefit of Jas. C. Coleman.

Mr. Clarke, having obtained leave, reported a bill to incorporate the Woodford Agricultural Society.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Ford, from the committee to whom was referred a bill from the House of Representatives, entitled, an act to change the time of holding, and to extend the terms of the Green and Hart Circuit Courts, and the amendments thereto, reported the same with an amendment—which was concurred in.

The said bill was further amended, and laid on the table.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, to wit:

An act further to regulate the ninth Judicial District, and for other purposes.

An act to amend the penal laws of this Commonwealth.

That they had passed bills which originated in the Senate, of the following titles, viz:

An act to establish the Mechanics' Institute and Savings Institution of the city of Lexington.

An act to authorize Agents and Attorneys to make affidavit and sue out distress warrants, and other process in certain cases.

An act to amend the charter of the city of Lexington, and for other purposes.

With an amendment to the last named bill.

The said amendment was twice read and disagreed to.

Leave of absence from the service of the Senate, for the balance of the session, was granted to Messrs. Ford and Dixon, after to-morrow.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act allowing an additional Justice of the Peace to Barren county.

An act for the benefit of the Sheriff of Fleming county.

An act to alter the time of holding the Bourbon and Estill Circuit Courts, and for other purposes.

An act allowing an additional chancery term to the Fleming Circuit Court.

An act for the benefit of Alexander Hutchison and Keziah Jones.

An act to repeal the 6th section of an act to authorize permanent provision for resident females in Kentucky stocks, and guardians to invest the money of their wards in Bank stocks.

An act to establish a town on the land of Adam Miller, of Adair county.

An act for the benefit of the infant children of Harrison Hearn.

An act for the benefit of the heirs of William Milton, deceased.

An act for the benefit of the widow and infant heir of John Gilbert, deceased.

An act to fix the ratio and apportion the representation for the next four years.

An act to amend an act, entitled, an act for the benefit of the Sheriff of Washington county, approved December 19, 1839.

An act to amend the execution laws of this Commonwealth, and for other purposes.

An act to amend an act, entitled, an act for the benefit of the widow and heirs of Francis Hagan, deceased.

An act for the benefit of the Trustees of the town of Poplar Plains, in Fleming county.

An act requiring annual examinations of the several Clerks' offices in this Commonwealth to be made out and returned to the Auditor's office.

An act to incorporate the Jefferson Literary Society of Augusta College.

And enrolled bills which originated in the House of Representatives of the following titles, viz :

An act for the benefit of Andrew Trumbo.

An act regulating the jurisdiction of the Police Judge of the town of Frankfort.

An act to change the place of voting from H. Ditto's to Bloomington, in Hardin county.

An act to change the place of voting in the Tarapin Precinct, in Graves county.

An act for the benefit of Leander W. Macey, and others.

An act for the benefit of Stephen Ormsby.

An act in aid of the last will and testament of Henry Smith, deceased.

An act for the benefit of William B. Keas.

An act concerning the town of Russellville.

An act further to regulate the ninth Judicial District, and for other purposes.

An act to change the time of holding the Circuit Courts in the 2d Judicial District.

An act to amend the penal laws of this Commonwealth.

An act for the benefit of Elizabeth B. Fryar.

An act to amend an act, entitled, an act to incorporate the Versailles Savings Institution, approved February 28th, 1835.

An act requiring certain claims, payable out of the Treasury of the State, to be reported to the Circuit Courts.

An act to amend an act to explain the 20th section of an act, approved 1st February, 1833, entitled, an act to amend and enforce an act to incorporate the city of Louisville.

An act for the benefit of Scott county.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Mr. Wingate, from the committee of Religion, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Trustees of the Republican Meeting-house, in Grant county, reported the same with the opinion of the committee that it ought not to pass.

The said bill was recommitted to the committee on the Judiciary.

A message, in writing, was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT, }
February 19, 1840. }

Gentlemen of the Senate:

I desire your permission to withdraw the nomination of Robert A. Patterson as Commonwealth's Attorney for the 16th Judicial District.

C. A. WICKLIFFE.

Leave was given to withdraw the said nomination.

A message, in writing, was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT, }
February 19th, 1840. }

Gentlemen of the Senate:

I nominate for your advice and consent, James Campbell to be Commonwealth's Attorney in the 16th Judicial District.

C. A. WICKLIFFE.

Resolved, That the Senate advise and consent to the said appointment.

And then the Senate adjourned.

THURSDAY, FEBRUARY 20, 1840.

A message was received from the House of Representatives, announcing that they had disagreed to a bill from the Senate, entitled, an act to incorporate the Louisville Iron Company.

That they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act to increase the powers of the Trustees of the town of Versailles, and to establish a Police Court in said town.

That they had adopted a resolution in relation to the printing of the Journals.

That they had passed a bill, entitled, an act for the appropriation of money.

The said bill was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended. A part of the said bill is as follows, viz:

"To William C. Allen for the potrait of Daniel Boone, presented to the State of Kentucky, four hundred and ninety nine dollars."

Mr. Young moved to amend the same by striking out "four hundred and ninety nine dollars," and inserting in lieu thereof, "two hundred and fifty dollars."

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Young and Rice, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Jasper,	Walker, J. V.
Bradshaw,	Jesup,	Weller,
Burnett,	Pitts,	Williams,
Davidson,	Rice,	Wingate,
Hughes,	Schooling,	Young—15.

Those who voted in the negative were—

Mr. Speaker,	Huston,	Slaughter,
Messrs. Anderson,	Johnston,	Tomlinson,
Ballinger,	Morgan, D.	Wallace,
Clarke,	Murrell,	Walker, C. J.—14.
Guthrie,	Payne,	

Mr. Barlow moved to amend the said bill by striking out the following, viz:

To Joseph Gray one dollar per day, during the present session, for the services of his son, James Gray.

To George H. Holeman, assistant Door Keeper, for his services during the present session, one dollar per day.

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Barlow and Rice, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Guthrie,	Rice,
Ballinger,	Hughes,	Schooling,
Barlow,	Jasper,	Tomlinson,
Bradshaw,	Jesup,	Wallace,
Burnett,	Morgan, D.	Williams,
Clarke,	Pitts,	Wingate—19.
Davidson,		

Those who voted in the negative were—

Mr. Speaker,	Walker, J. V.	Wickliffe,
Messrs. James,	Weller,	Young—7.
Johnston,		

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

After a short time a message was received from the House of Representatives, announcing that they had concurred [in the first eight, and disagreed to the balance of the amendments proposed by the Senate to the said bill.

Mr. Ballinger moved that the Senate recede from the amendment striking out four hundred and ninety nine dollars, and inserting in lieu thereof two hundred and fifty dollars, in the allowance to William C. Allen.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Young and Rice, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Huston,	Pratt,
Messrs. Ballinger,	Johnston,	Slaughter,
Clarke,	Morgan, D.	Wallace,
Dixon,	Murrell,	Walker, C. J.
Guthrie,	Payne,	Wickliffe—15.

Those who voted in the negative were—

Messrs. Anderson,	James,	Schooling,
Barlow,	Jasper,	Weller,
Bradshaw,	Jesup,	Williams,
Burnett,	Morgan, J. S.	Wingate,
Davidson,	Pitts,	Young—17.
Hughes,	Rice,	

Resolved, That the Senate insist on all their amendments to the said bill.

On the motion of Mr. Barlow, a message was sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a bill from the House of Representatives, entitled, an act for the benefit of Polly Skillman.

The said bill being returned to the Senate, on the motion of Mr. Barlow the vote by which the said bill was disagreed to, was reconsidered.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Guthrie, the committee on the Judiciary was discharged from the further consideration of all the business referred to them, except the following bills from the House of Representatives, viz:

An act to amend an act establishing the Paducah Lottery, and for other purposes.

An act to authorize a change of venue in the trial of W. A. Wharton.

On the motion of Mr. Johnston, the committee of Finance was discharged from the further consideration of all the business referred to them.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a resolution from the House of Representatives concerning lock and dam No. 1, on Licking river, reported the same without amendment.

The question being taken on concurring in the said resolution, it was decided in the negative, and so it was disagreed to.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to reduce the salaries of the Engineers of this State, and for other purposes, reported the same with an amendment.

The said amendment proposes to strike out all the bill after the enacting clause, and to insert in lieu thereof the following, viz:

That the annual salary of the Chief Engineer of this State shall be \$3,000 per annum, and no more: That the salary of the Resident Engineer on the Kentucky river shall be \$2,250 per annum, and no more: That the salary of the Resident Engineer on the Licking river, and Green and Barren rivers, shall be \$1,500, each, per annum, and no more: and the salary of each Assistant Engineer shall be \$1,000, and no more: *and that the salary of a road*

Engineer shall be \$1,500, and no more—all of which shall be paid quarterly, as heretofore.

Be it further enacted, That it shall be the duty of the Board of Internal Improvement to dismiss all Engineers, and Assistant Engineers, not absolutely necessary to carry on the public works.

Be it further enacted, That the Board of Internal Improvement shall have no power to allow any of the Engineers aforesaid, any expenses which they may incur in superintending the works placed under their charge; but for extraordinary services which may be required of any of said Engineers, out of the ordinary duties which may belong to their appointment, the Board may, as heretofore, if in their opinion it shall be right, allow any such Engineer his travelling expenses.

Mr Guthrie moved to amend the said amendment by striking out \$2,250, as the salary of the Resident Engineer on the Kentucky river, and inserting in lieu thereof \$2,500.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rice and Davidson, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hughes,	Slaughter,
Messrs. Ballinger,	Murrell,	Tomlinson,
Clarke,	Payne,	Wallace,
Davidson,	Pitts,	Walker, C. J.
Guthrie,	Pratt,	Wickliffe—15.

Those who voted in the negative were—

Messrs. Anderson,	James,	Rice,
Barlow,	Jasper,	Schooling,
Bradshaw,	Jesup,	Walker, J. V.
Burnett,	Johnston,	Weller,
Dixon,	Morgan, D.	Williams,
Huston,	Morgan, J. S.	Young—18.

Mr. Rice moved to amend the said amendment by striking out \$3,000, as the salary of the Chief Engineer, and inserting in lieu thereof \$2,500.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rice and Davidson, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Jasper,	Schooling,
Bradshaw,	Jesup,	Tomlinson,
Burnett,	Johnston,	Walker, J. V.
Dixon,	Morgan, D.	Weller,
Huston,	Pitts,	Williams,
James,	Rice,	Young—18.

Those who voted in the negative were—

Mr. Speaker,	Hughes,	Slaughter,
Messrs. Anderson,	Morgan, J. S.	Wallace,
Ballinger,	Murrell,	Walker, C. J.
Clarke,	Payne,	Wickliffe,
Davidson,	Pratt,	Wingate—16.
Guthrie,		

Mr. Murrell moved to amend the said amendment by striking out all that relates to a road Engineer, printed in italics.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Murrell and Rice, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Barlow,	James,	Walker, J. V.
Bradshaw,	Jasper,	Weller,
Burnett,	Murrell,	Williams,
Dixon,	Rice,	Young—14.
Huston,	Schooling,	

Those who voted in the negative were—

Mr. Speaker,	Jesup,	Slaughter,
Messrs. Anderson,	Johnston,	Tomlinson,
Ballinger,	Morgan, D.	Wallace,
Clarke,	Morgan, J. S.	Walker, C. J.
Davidson,	Payne,	Wickliffe,
Guthrie,	Pitts,	Wingate—20.
Hughes,	Pratt,	

Mr. Tomlinson moved to reconsider the vote on the salary of the Chief Engineer.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Burnett and James, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,	Hughes,	Tomlinson,
Messrs. Anderson,	Johnston,	Wallace,
Ballinger,	Morgan, J. S.	Walker, C. J.
Clarke,	Payne,	Wickliffe,
Davidson,	Pratt,	Wingate—17.
Guthrie,	Slaughter,	

Those who voted in the negative were—

Messrs. Barlow,	Jasper,	Schooling,
Bradshaw,	Jesup,	Walker, J. V.
Burnett,	Morgan, D.	Weller,
Dixon,	Murrell,	Williams,
Huston,	Pitts,	Young—17.
James,	Rice,	

The question was then taken on concurring in the said amendment, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Guthrie and Ballinger, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Anderson,	Huston,	Rice,
Ballinger,	Jasper,	Schooling,
Barlow,	Jesup,	Weller,
Bradshaw,	Murrell,	Williams,
Burnett,	Pitts,	Wingate,
Dixon,	Pratt,	Young—19.
Hughes,		

Those who voted in the negative were—

Mr. Speaker,	Johnston,	Wallace,
Messrs. Clarke,	Morgan, J. S.	Walker, C. J.
Davidson,	Payne,	Walker, J. V.
Guthrie,	Slaughter,	Wickliffe—14.
James,	Tomlinson,	

The question being taken on reading the said bill a third time, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Guthrie and Burnett, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Dixon,	Schooling,
Messrs. Anderson,	Hughes,	Slaughter,
Ballinger,	Huston,	Walker, C. J.
Barlow,	Jasper,	Walker, J. V.
Bradshaw,	Jesup,	Weller,
Burnett,	Murrell,	Williams,
Clarke,	Pitts,	Wingate,
Davidson,	Rice,	Young—24.

Those who voted in the negative were—

Messrs. Guthrie,	Morgan, J. S.	Tomlinson,
James,	Payne,	Wallace,
Johnston,	Pratt,	Wickliffe—9.

The constitutional rule as to the third reading of the said bill being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives announcing that they had passed bills from the Senate of the following titles, viz:

An act for the benefit of Charles and Rebecca Douglass.

An act requiring the removal of Timber from flooded grounds, &c.

An act for the benefit of John Rankin, Sen'r, of Clarke county.

An act for the benefit of the heirs and widow of Benjamin Mills, dec'd.

An act to provide for the payment of public contractors, and to preserve the faith of the State.

An act to extend the charter of the Bank of the Commonwealth of Kentucky, and to authorize the appointment of a Commissioner to close the affairs of said Bank.

With amendments to the three last named bills—which amendments were twice read and concurred in.

A bill from the House of Representatives, entitled, an act to change the time of holding, and to extend the terms of the Green and Hart Circuit Courts, was taken up, and ordered to be read a third time, as amended.

On the motion of Mr. Wickliffe, a message was sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a resolution from that House concerning lock and dam No. 1, on Licking river.

The said resolution was returned to the Senate, and amended.

Mr. James moved further to amend the same by adding thereto the following, viz:

Resolved, That the Board of Internal Improvement shall not be authorized to borrow any money from any of the Banks, to carry on the system of Internal Improvement in Kentucky, until they shall resume specie payments.

Mr. Ballinger moved to amend the said amendment by adding thereto these words, viz:

“Nor shall the Treasurer of this Commonwealth be authorized to overdraw upon any of the Banks of this Commonwealth.”

Mr. J. S. Morgan called for the previous question. The question being taken “shall the main question be now put?” it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Burnett and James, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Ballinger,
Bradshaw,
Clarke,
Davidson,
Guthrie,
Hughes,
Huston,

Johnston,
Morgan, D.
Morgan, J. S.
Murrell,
Payne,
Pitts,
Pratt,

Slaughter,
Tomlinson,
Wallace,
Walker, J. V.
Weller,
Wickliffe,
Wingate—22.

Those who voted in the negative were—

Messrs. Anderson,	James,	Schooling,
Barlow,	Jasper,	Walker, C. J.
Burnett,	Jesup,	Williams,
Dixon,	Rice,	Young—12.

The said resolution, as amended, was then concurred in.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to amend the charter of the Springfield and Bardstown Road Company.

That they had receded from their disagreement to the first amendment proposed by the Senate to a bill from that House, entitled, an act allowing additional Constables to Mason, Rockcastle, Oldham and Pulaski counties, and to change a Constable's district in Russell county; and had concurred in the said amendment, with an amendment—which amendment was concurred in.

That they had concurred in the amendment of the Senate, to a bill from that House, entitled, an act to reduce the salaries of the Engineers of this State, and for other purposes.

That they had adopted a resolution in relation to lock and dam No. 2, on Barren river—which was twice read and concurred in.

And that they had passed bills of the following titles, viz:

1. An act to authorize the Surveyors in this Commonwealth to survey certain land warrants.

2. An act to provide the mode of compensating owners of mills injured by slackwater navigation.

3. An act to authorize the County Courts of Floyd and Pike counties to employ Engineers to survey their roads.

4. An act to authorize James and T. Garrard to build a slope at their mill dam on Little Goose creek.

5. An act requiring the proprietors of shows to obtain license.

Which bills were severally read the first time: the 1st was laid on the table, and the others ordered to be read a second time.

The constitutional rule as to the second reading of the 3d and 4th bills being dispensed with, they were referred to the committee on Internal Improvement.

The constitutional rule as to the second and third readings of the 2d and 5th bills being dispensed with, and the 2d being amended,

Resolved, That the said bills, the 2d as amended, do pass, and that the titles thereof be as aforesaid.

A resolution from the House of Representatives in relation to printing the Journals, was twice read and concurred in.

On the motion of Mr. James, the documents referred to in the report of

the committee on the nomination of Robert A. Patterson, as Commonwealth's Attorney, were withdrawn.

A message was received from the House of Representatives, announcing that they had disagreed to the amendments of the Senate, to the amendments of that House to a bill from the Senate, entitled, an act to restore the privileges of the Banks when they resume specie payments, and had appointed a committee of conference on their part, and requested the appointment of a committee on the part of the Senate; whereupon Messrs. Guthrie, Dixon and Payne, were appointed a committee on the part of the Senate.

Mr. Wingate, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act to establish the Mechanics' Institute and Savings Institution of the city of Lexington.

An act to authorize Agents and Attorneys to make affidavit and sue out distress warrants, and other process in certain cases.

An act for the benefit of John Rankin, Sen'r, of Clarke county.

An act for the benefit of Charles and Rebecca Douglass.

And bills which originated in the House of Representatives of the following titles, viz:

An act allowing an additional Constable to the county of Spencer, and for other purposes.

An act for the benefit of the Anderson county Seminary.

An act for the benefit of Obediah E. Wilhoite.

An act regulating the Wayne, Russell and Casey Circuit Courts.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Wingate reported that the committee had performed that duty.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to incorporate the Trustees of the Republican Meeting House, in Grant county.

An act to authorize a change of venue in the trial of W. A. Wharton, and others.

An act to amend an act establishing the Paducah Lottery, and for other purposes.

Reported the same, and they were laid on the table.

On the motion of Mr. Guthrie, all the orders of the day were laid on the table, except a bill from the House of Representatives, entitled, an act to change the time of holding, and to extend the terms of the Green and Hart Circuit Courts.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the Louisville and Elizabethtown Turnpike Road Company, reported the same with the opinion of the committee that it ought not to pass.

Mr. Ballinger moved to lay the said bill on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pitts and J. V. Walker, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Johnston,	Tomlinson,
Messrs. Anderson,	Morgan, D.	Wallace,
Ballinger,	Morgan, J. S.	Walker, C. J.
Barlow,	Murrell,	Weller,
Davidson,	Slaughter,	Wingate—16.
Huston,		

Those who voted in the negative were—

Messrs. Bradshaw,	Jesup,	Walker, J. V.
Burnett,	Payne,	Williams,
Dixon,	Pitts,	Young—11.
Jasper,	Schooling,	

And then the Senate adjourned.

FRIDAY, FEBRUARY 21, 1840.

A message was received from the Lieutenant and Acting Governor, announcing that he had approved and signed enrolled bills and a resolution, which originated in the Senate of the following titles, viz:

An act providing for a change of venue in the prosecution against U. B. Chambers.

An act to continue in force an act, entitled, an act to establish the Police Court of Louisville, and to amend the charter of said city.

An act for the benefit of the city of Maysville.

An act for the benefit of John Mastin.

An act for the relief of the securities of Wesley M. Garnett, deceased, and Henderson Murphy.

An act to exempt the members of the Fire Companies in the city of Maysville from militia duty.

An act to extend and continue in force, an act, approved 29th February, 1836, entitled, an act extending for a certain period, and with certain limitations, the charter of the Old Bank of Kentucky.

An act to authorize the Franklin County Court to hold a term on the third Monday in February, in the year 1840, and for other purposes.

An act for the benefit of Thomas H. Ballard.

An act to reduce into one the several acts concerning the running and marking the division lines between Washington and Marion counties.

Approved February 15, 1840.

An act to repeal the February chancery term in the county of Mason.

An act to establish election precincts in the counties of Montgomery and Barren.

An act for the benefit of William Withers and wife.

An act for the benefit of John Shaw, late Clerk of Hickman County Court.

An act to establish the town of Lafayette, in the county of Henderson.

An act for the benefit of Edward S. Coleman, late Sheriff of Franklin county.

An act for the further relief of the Sheriff of Livingston county.

An act to repeal an act, entitled, an act to change the place of voting from Greenville C. Alfred's, in Washington county, to William Sutherland's, approved January 23d, 1840.

An act concerning the Lexington and Ohio Railroad Company.

An act supplemental to an act to establish the 17th Judicial District.

An act to amend the charter of the city of Louisville, and for other purposes.

An act to amend an act, entitled, an act to amend the laws defining the powers of the Trustees of the town of Newport, approved January 12th, 1830.

An act concerning the town of Glasgow.

An act defining certain powers and duties of the Trustees of the town of Winchester, and for other purposes.

An act to authorize the Fleming County Court to lay their levy at the May term.

An act to amend the charter of the Cynthiana Fire Company.

An act for the benefit of Joseph Ballinger.

An act for the benefit of the children of Abner Gore.

Approved February 17, 1840.

An act for the benefit of the heirs of William Milton, deceased.

An act for the benefit of Alexander Hutchison and Keziah Jones.

An act to repeal the 6th section of an act to authorize permanent provision for resident females in Kentucky stocks, and guardians to invest the money of their wards in Bank stocks.

An act to alter the time of holding the Bourbon and Estill Circuit Courts, and for other purposes.

An act allowing an additional chancery term to the Fleming Circuit Court.

An act allowing an additional Justice of the Peace to Barren county.

An act for the benefit of the Sheriff of Fleming county.

An act requiring annual examinations of the several Clerks' offices in this Commonwealth to be made out and returned to the Auditor's office.

An act to amend an act, entitled, an act for the benefit of the widow and heirs of Francis Hagan, deceased.

An act for the benefit of the Trustees of the town of Poplar Plains, in Fleming county.

An act to incorporate the Jefferson Literary Society of Augusta College.

An act for the benefit of the widow and infant heirs of John Gilbert, deceased.

An act to establish a town on the land of Adam Miller, of Adair county.

An act for the benefit of the infant children of Harrison Hearn.

An act to amend an act, entitled, an act for the benefit of the Sheriff of Washington county, approved December 19, 1839, and for other purposes.

An act to amend the execution laws of this Commonwealth, and for other purposes.

An act to fix the ratio and apportion the representation for the next four years.

Approved 19th February, 1840.

An act to establish the Mechanics' Institute and Savings Institution of the city of Lexington.

An act to authorize Agents and Attorneys to make affidavit, and sue out distress warrants and other process, in certain cases.

An act for the benefit of Charles and Rebecca Douglass.

An act for the benefit of John Rankin, Sr. of Clarke county.

Approved 20th February, 1840.

A resolution providing for the examination of the books of the late Receiver of public moneys west of the Tennessee river.

Approved 17th February, 1840.

A message was received from the House of Representatives, announcing that they had received official information that the Lieutenant and Acting Governor had approved and signed enrolled bills which originated in that House, of the following titles, viz:

An act for the benefit of Betsy Ann Lambert.

An act for the benefit of Harris W. Thompson.

An act to incorporate the Russellville Library Company.

An act for the benefit of the Kentucky Seminary.

An act to incorporate the Tan Theta Kappa Society of Georgetown College.

An act for the benefit of the Sheriff of Todd county.

An act for the benefit of George M. Craven and wife.

Approved 15th February, 1840.

An act to amend an act, entitled, an act to establish a State road from Colemansville, in Harrison county, to Covington, in Campbell county.

An act to establish the town of Providence, in Hopkins county.

An act to amend the law governing the action of replevin.

An act for the benefit of T. N. Burgess.

An act regulating the appointment of the Commissioners of the revenue in this Commonwealth.

An act to amend the law of descents and distribution.

An act for the benefit of Harriet and Alexander Howison.

An act to amend the law in relation to ferries on Cumberland and Tennessee rivers, in Trigg county.

An act for the benefit of the Sheriff of Hopkins county.

An act to change the name of the town of Chiltonville, in Henry county.

An act authorizing the purchase of fifty copies of Morehead and Brown's Digest, and the distribution thereof among such Justices of the Peace as have not received the same.

An act for the benefit of John Keiser.

An act for the benefit of the Surveyor of Lewis county.

An act to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

An act to authorize the Auditor to certify copies.

An act to amend the laws, now in force, prescribing the fees and commissions of the Marshal of the Louisville Chancery Court, and for other purposes.

An act for the benefit of Rachel Watts, and her children.

Approved 18th February, 1840.

An act in aid of the last will and testament of Henry Smith, deceased.

An act for the benefit of William B. Keas.

An act for the benefit of Leander W. Macey, and others.

An act for the benefit of Stephen Ormsby.

An act to change the place of voting from H. Ditto's to Bloomington, in Hardin county.

An act to change the place of voting in the Tarapin Precinct, in Graves county.

An act for the benefit of Andrew Trumbo.

An act regulating the jurisdiction of the Police Judge of the town of Frankfort.

An act for the benefit of Scott county.

An act to amend an act to explain the 20th section of an act, approved 1st February, 1833, entitled, an act to amend and enforce an act to incorporate the city of Louisville.

An act requiring certain claims, payable out of the Treasury of the State, to be reported to the Circuit Courts.

An act to amend an act, entitled, an act to incorporate the Versailles Savings Institution, approved February 28th, 1835.

An act further to regulate the ninth Judicial District, and for other purposes.

An act to change the time of holding the Circuit Courts in the 2d Judicial District.

An act to amend the penal laws of this Commonwealth.

An act for the benefit of Elizabeth B. Fryar.

An act concerning the town of Russellville.

Approved 19th February, 1840.

An act to increase the powers of the Trustees of the town of Versailles, and to establish a Police Court in said town.

An act for the benefit of the Anderson county Seminary.

An act for the benefit of Obediah E. Wilhoite.

An act regulating the Wayne, Russell and Casey Circuit Courts.

Approved 20th February, 1840.

A message, in writing, was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT,
February 19, 1840. }

Gentlemen of the Senate:

I nominate for your advice and consent, Sylvester Welch to be Chief Engineer of the State of Kentucky.

John M. Ferguson to be Police Judge of the town of Versailles.

B. B. Smith to be Superintendent of Public Instruction, in the place of H. H. Kavanaugh, whose term of service is about to expire, and who declines re-appointment.

H. T. Duncan, Robert Wickliffe, Jr. and Waller Bullock to be Directors, on the part of the State, in the Northern Bank of Kentucky.

W. H. Pope, David Heran and Virgil McKnight to be Directors, on the part of the State, in the Bank of Kentucky.

Respectfully,

C. A. WICKLIFFE.

Resolved, That the Senate advise and consent to the said appointments.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz:

An act to provide for the payment of the interest on the bonds of the Lexington and Ohio Railroad Company, on which the State is guarantor, and for other purposes.

An act for the benefit of James C. Coleman.

An act for the benefit of Seburn Shaw.

That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz :

An act to authorize Richard Y. Shipp and Mary G. Shipp to convey two small tracts of land, and for other purposes.

An act to allow an additional Constable to Spencer county, and for other purposes.

An act for the benefit of James F. Edwards.

An act for the benefit of Mary Ann Winebrinner.

An act to provide the mode of compensating owners of mills injured by slackwater navigation.

That they had concurred in the amendment proposed by the Senate to a resolution from that House, concerning lock and dam No. 1, on Licking river.

And that they had receded from their disagreement to the 9th and 11th amendments of the Senate to a bill from that House, entitled, an act for the appropriation of money, and had insisted on their disagreement to the 10th, 12th, 13th and 14th amendments of the Senate to said bill; and had appointed a committee of conference thereon, on their part, and requested the appointment of a committee on the part of the Senate.

Resolved, That the Senate recede from their 12th and 13th amendments, and again insist on their 10th amendment.

Mr. J S. Morgan moved that the Senate recede from their 14th amendment, which proposes to strike out of the bill the allowance of \$75 to Julian Wood.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Tomlinson and Ballinger, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Anderson,
Guthrie,
Huston,

Johnston,
Morgan, D.
Murrell,
Payne,

Rice,
Wickliffe,
Wingate,
Young—12.

Those who voted in the negative were—

Messrs. Ballinger,
Barlow,
Bradshaw,
Burnett,

Hughes,
Jasper,
Schooling,
Tomlinson,

Wallace,
Walker, J. V.
Weller,
Williams—12.

Messrs. J. S. Morgan, Guthrie and Rice were then appointed a committee of conference on the part of the Senate.

After a short time, Mr. J. S. Morgan made a report from the said committee, which was concurred in.

A message was received from the House of Representatives, announcing that they had concurred in the said report.

On the motion of Mr. Anderson,

Resolved, That the Public Printer be directed to publish, for the use of the members of the Senate, 3000 copies of the titles of acts passed at the present session.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to authorize the County Courts of Floyd and Pike counties to employ Engineers to survey their roads.

An act to authorize James and T. Garrard to build a slope at their mill dam on Little Goose creek.

Reported the same, the former without amendment, and the latter with an amendment—which was concurred in.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, the latter as amended, that the title of the former be as aforesaid, and that the title of the latter be amended to read, an act to amend an act, entitled, an act declaring Little Goose creek a navigable stream.

After a short time, a message was received from the House of Representatives, announcing that they had concurred in the amendment to the latter bill.

A message was received from the House of Representatives, announcing that they had receded from the amendment proposed by them to a bill from the Senate, entitled, an act to amend the militia law; and that they had insisted on their amendment to a bill from the Senate, entitled, an act to amend the charter of the city of Lexington, and for other purposes.

Resolved, That the Senate insist on their disagreement to the said amendment.

Messrs. Wickliffe, Wingate and C. J. Walker were appointed a committee of conference thereon, on the part of the Senate, and a message was sent to the House of Representatives requesting the appointment of a committee on their part.

A message was received announcing the appointment of a committee on the part of the House of Representatives. After a short time, a message was received from the House of Representatives, announcing that they had

concurred in the report of the said committee. The said report was concurred in by the Senate.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act for the benefit of Pamela Thomas—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

The question was taken on reading the said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bradshaw and Ballinger, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Anderson,
Barlow,
Burnett,
Hughes,

Huston,
Jasper,
Johnston,
Payne,
Pitts,

Pratt,
Wallace,
Walker, J. V.
Williams,
Young—15.

Those who voted in the negative were—

Messrs. Ballinger,
Bradshaw,
Guthrie,

Tomlinson,
Weller,

Wickliffe,
Wingate—7.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to change the time of holding, and to extend the terms of the Green and Hart Circuit Courts, was read the third time, as amended.

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had concurred in the said amendment.

A message was received from the House of Representatives, announcing that they had appointed another committee of conference on the disagreement between the Houses on a bill, entitled, an act to restore the privileges of the Banks when they resume specie payments, and requested the appointment of another committee, on the part of the Senate.

Whereupon, Messrs. Guthrie, Wickliffe and Payne were appointed said committee.

After a short time, a message was received from the House of Representatives, announcing that they had concurred in the report of the said committee. The said report was concurred in by the Senate.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act concerning the Turnpike Road Companies in this Commonwealth—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Anderson, the petitions for the division of Green county, with the accompanying papers were withdrawn.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act to provide for the payment of public contractors, and to preserve the faith of the State.

An act requiring the removal of Timber from flooded grounds, &c.

An act for the benefit of the heirs and widow of Benjamin Mills, dec'd.

An act to amend the charter of the Springfield and Bardstown Turnpike Road Company.

An act to extend the charter of the Bank of the Commonwealth of Kentucky, and to authorize the appointment of a Commissioner to close the affairs of said Bank.

An act to amend the militia law.

An act for the benefit of Seburn Shaw.

An act to amend the charter of the city of Lexington, and for other purposes.

An act for the benefit of James C. Coleman.

An act to provide for the payment of the interest on the bonds of the Lexington and Ohio Railroad Company, on which the State is guarantor, and for other purposes.

An act to incorporate the Louisville Pottery Company.

An act to restore the privileges of the Banks when they resume specie payments.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. Mr. Barlow reported that the committee had performed that duty.

A message was received from the Lieutenant and Acting Governor, announcing that he had approved and signed the said bills.

Mr. Barlow, from the joint committee of Enrollments, reported that the committee had examined enrolled bills and resolutions which originated in

the House of Representatives, of the following titles, and had found the same truly enrolled, viz:

An act requiring the proprietors of shows to obtain license.

An act allowing additional Constables and Justices of the Peace to certain counties, and for other purposes.

An act to reduce the salaries of the Engineers of this State, and for other purposes.

An act for the benefit of Polly Skillman.

An act for the appropriation of money.

An act allowing an additional Constable to the county of Spencer, and for other purposes.

An act to provide the mode of compensating owners of mills injured by slackwater navigation.

An act for the benefit of Pamela Thomas.

An act to authorize the County Courts of Floyd and Pike counties to employ Engineers to survey their roads.

An act to authorize Richard Y. Shipp and Mary G. Shipp to convey two small tracts of land, and for other purposes.

An act for the benefit of Mary Ann Winebrinner.

An act to change the time of holding, and to extend the terms of the Green and Hart Circuit Courts.

An act for the benefit of James F. Edwards.

An act to authorize James and T. Garrard to build a slope at their mill dam on Little Goose creek.

An act concerning the Turnpike Road Companies in this Commonwealth.

A resolution in relation to the printing of the Journals.

A resolution concerning lock and dam No. 2, on Barren river.

A resolution concerning lock and dam No. 1, on Licking river.

The said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and Acting Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

After some time, a message was received from the House of Representatives, announcing that they had received official information that the Lieutenant and Acting Governor had approved and signed the said bills and resolutions.

On the motion of Mr. Ballinger, a message was sent to the House of Representatives, informing them that the Senate have finished the legislative business before them, and are now ready to adjourn without day.

A message was received from the House of Representatives, announcing

that they had finished all the legislative business before them, and are now ready to adjourn without day; and that they had appointed a committee, on their part, to wait on the Lieutenant and Acting Governor, and inform him of the intended adjournment of the General Assembly, and to know if he had any further communication to make.

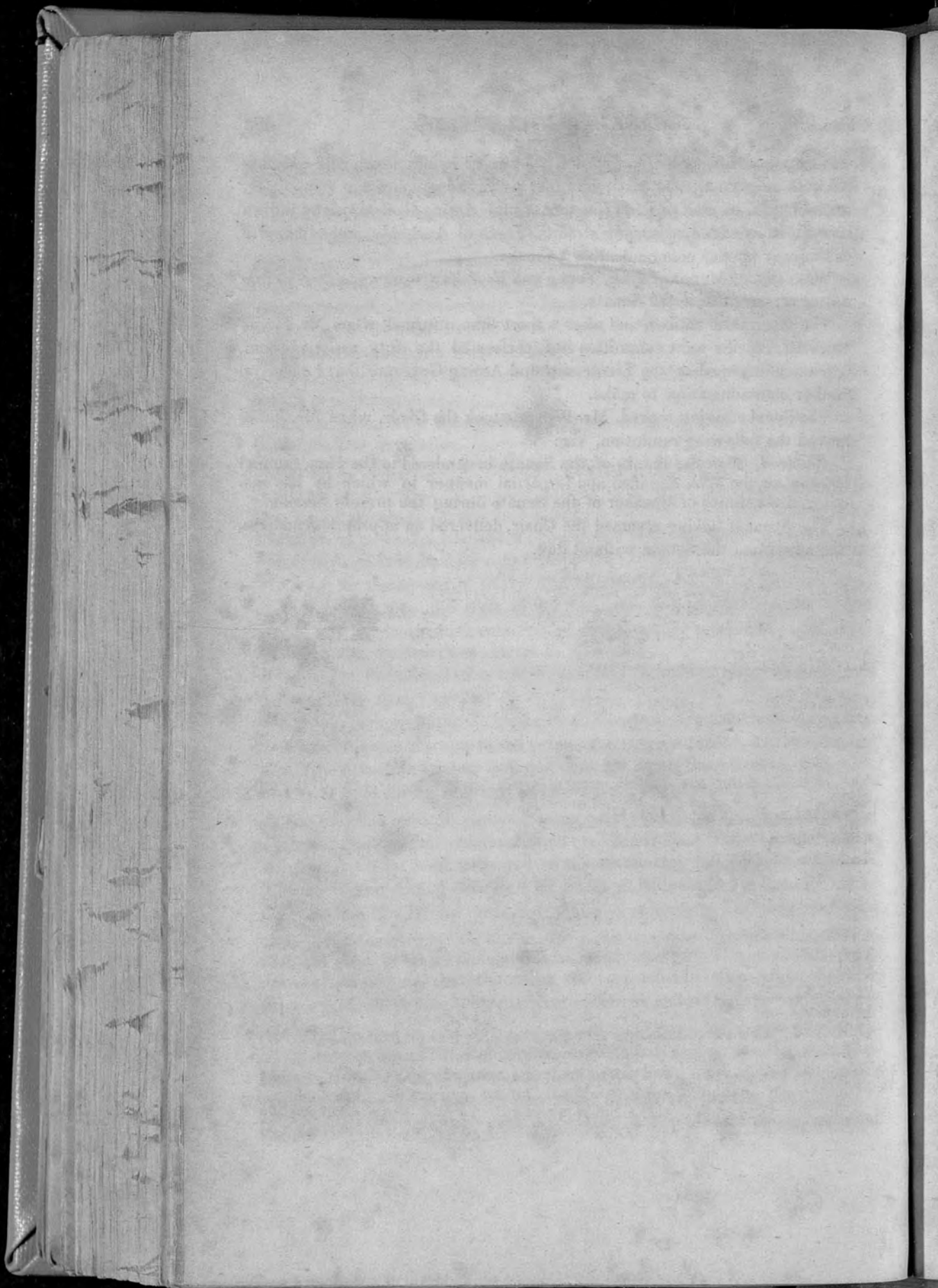
Whereupon, Messrs. Payne, Young and Bradshaw were appointed a committee on the part of the Senate.

The committee retired, and after a short time returned, when Mr. Payne reported that the joint committee had performed the duty assigned them, and were informed by the Lieutenant and Acting Governor that he had no further communication to make.

The Speake having retired, Mr. Wingate took the Chair, when Mr. James moved the following resolution, viz:

Resolved, That the thanks of the Senate be tendered to the Hon. Samuel Hanson for the able, dignified and impartial manner in which he has discharged the duties of Speaker of the Senate during the present Session.

The Speaker having resumed the Chair, delivered an appropriate address, and adjourned the Senate without day.



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